THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 16 NUMBER 64

Washington, Tuesday, April 3, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10229

EXEMPTION OF HUGH H. BENNETT FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Hugh H. Bennett, Chief of the Soil Conservation Service of the U. S. Department of Agriculture, will, during the month of April 1951 become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Hugh H. Bennett from compulsory retirement for age for a period of one year ending April 30, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 30, 1951.

[F. R. Doc. 51-4006; Filed, Mar. 30, 1951; 3:18 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 5—DETERMINATION OF PARITY PRICES

CIGAR-FILLER AND CIGAR-BINDER TYPES OF TOBACCO

Part 5, Determination of Parity Prices (15 F. R. 837) as amended (15 F. R. 9374) is amended as follows:

1. Section 5.4 is amended by deleting the following under the paragraph headed "Basic Commodities, Tobacco"—"and cigar filler and binder, types 42–46 and 51–56. The calendar year price for type 46 shall be combined with season average prices for the other types in arriving at the average price for cigar filler and binder types 42–46 and 51–56." and adding "and cigar filler and binder, types 42–44 and 51–55."

2. Section 5.5 is amended by adding "For Puerto Rican filler tobacco, type 46, the price data for each calendar year shall be the season average price of type 46 for the previous year's crop."

3. Section 5.7 is amended by deleting from the paragraph headed "Basic Commodities" the following "and cigar filler and binder, types 42–46 and 51–56. The calendar year price for type 46 shall be combined with season average prices for the other types in arriving at the average price for cigar filler and binder types 42–46 and 51–56," and adding "cigar filler and binder, types 42–44 and 51–55; and Puerto Rican filler, type 46."

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 29th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3942; Filed, Apr. 2, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 68]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Carrizzo Valley, California, area, published on April 21, 1949, in 14 F. R. 1913, amended on June 23, 1949, in 14 F. R. 3393, and on November 30, 1949, in 14 F. R. 7198, is further amended by changing the "Designated Altitude" column to read: "Surface to unlimited".

(Continued on p. 2867)

CONTENTS

THE PRESIDENT

Executive Order — Page
Bennett, Hugh H.; exemption from compulsory retirement for age — 2865

EXECUTIVE AGENCIES

Agriculture Department
Rules and regulations:
Determination of parity prices relating to cigar-filler and cigar-binder types of tobacco — 2865

Air Force Department
Rules and regulations:
Miscellaneous amendments to chapter:
Continental Air Force bases, use by other than Air Force aircraft — 2869
Personnel, appointment of second lieutenants from distinguished military graduates, Air Force Officers Training — 2870
Safeguarding military information — 2869

Alien Property, Office of
Notices:
Vesting orders, etc.:
Carl Gehrmans Musikforlag — 2904
Del Frate, Carlo and Susanna Segre Vassallo — 2903
Hide, Ohashi — 2904
Maddaus, Hedvig E. S — 2904
Pfefferkorn, Maria, et al — 2904
Scarpellini, Edoardo, et al — 2903
Societe Ame "L'Atomic" — 2903
Societe des Procedes Serge Beaune — 2903
Telefen Fabrik Automatic Aktieselskab — 2904

Civil Aeronautics Administration
Rules and regulations:
Air traffic rules; danger area alterations — 2865

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
Accident at Phoenix, Ariz.; hearing — 2896

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

Civil Aeronautics Board—Con. Page
Notices—Continued
Accident at St. Paul-Minneapolis International Airport, Minneapolis, Minn.; hearing 2896

Commerce Department
See National Production Authority; National Shipping Authority.

Defense Department
See Air Force, Department of.

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Arizona Power Co 2900
Arkansas Louisiana Gas Co 2899
Delaware Power & Light Co 2898

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
East Tennessee Natural Gas Co 2896
Mississippi River Fuel Corp 2899
Philadelphia Electric Co 2898
Texas Illinois Natural Gas Pipeline Co 2897
Transcontinental Gas Pipe Line Corp 2898

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Carnerie, Don N., et al 2867
Quinn, Larry, Fashions, et al 2868

Housing and Home Finance Agency
See Public Housing Administration.

Housing Expediter, Office of
Rules and regulations:
Rent controlled; housing and rooms in rooming houses and other establishments; California, Illinois, Michigan, Minnesota, and New Jersey 2869

Interior Department
See also Land Management, Bureau of.
Notices:
Petroleum Administration for Defense; organization and functions 2896

Interstate Commerce Commission
Notices:
Applications for relief:
Grain from Twin Cities and Kansas City, Mo., area to Illinois, Iowa, Missouri, and adjacent points 2900
Pulpboard from Georgetown, S. C., to Massachusetts 2900
Rules and regulations:
Car service:
Box cars at ports, free time on unloading 2895
Demurrage on all freight cars, Saturdays and Sundays to be included in computing 2894
Demurrage on freight cars 2894
Follow-lot and two-for-one rule; suspension 2895
Freight car movement; railroad operating regulations 2894
Freight cars loaded at ports; free time 2895
Trap and ferry cars; restrictions 2895

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
Alaska; partial revocation of E. O. 6050, reserving lands for use as a site for Army radio receiving station 2893
Coal leases, permits, and licenses; revision of part 2889

Maritime Administration
See National Shipping Authority.

CONTENTS—Continued

National Production Authority Page
Rules and regulations:
Carded cotton sales yarn (M-23) 2879
Cotton duck (M-53) 2884
Electric utilities (M-50) 2880
Glass containers; simplification and use (M-51) 2882
Molybdenum bearing steels; production (M-52) 2884
Naphthenic acid (M-45) 2880
Tin (M-8) 2872

National Shipping Authority
Rules and regulations:
Financial transactions under agency agreements, procedural rules (NSA 2 (FIS-1)) 2885
General agents, agents, and berth agents (NSA 3 (AGE-2)) 2888

Price Stabilization, Office of
Rules and regulations:
Livestock and meat, fair distribution of; quotas on cattle and miscellaneous amendments (DR 1) 2871
Territories and possessions (CPR 9) 2871

Public Housing Administration
Notices:
Delegations of authority; description of agency and programs 2900

Securities and Exchange Commission
Notices:
Hearings, etc.:
Blue Ridge Corp 2901
Denver Brokerage Co. et al 2902
Niagara Mohawk Power Corp 2901
Northern States Power Co 2902

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
6060 (revoked in part by PLO 708) 2893
10229 2865

Title 7
Subtitle A:
Part 5 2865

Title 14
Chapter I:
Part 60 2865

Title 16
Chapter I:
Part 3 (2 documents) 2867, 2868

Title 24
Chapter VIII:
Part 825 2869

Title 32
Chapter VII:
Part 805 2869
Part 822 2869
Part 885 2870

CODIFICATION GUIDE—Con.

Title 32A	Page
Chapter III (OPS):	
CPR 9	2871
DR 1	2871
Chapter VI (NPA):	
M–8	2872
M–23	2879
M–45, Sched. 1	2880
M–50	2880
M–51	2882
M–52	2884
M–53	2884

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter XVIII (NSA):	
NSA 2	2885
NSA 3	2888
Title 43	
Chapter I:	
Part 193	2889
Appendix (Public land orders): 708	2893
Title 49	
Chapter I:	
Part 95 (7 documents)	2894, 2895

2. A Great Salt Lake, Utah, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GREAT SALT LAKE (Salt Lake City Chart).	Beginning at lat. 41°10′00″ N, long. 112°35′00″ W; SE to lat. 41°06′30″ N, long. 112°32′00″ W; SSE to lat. 40°57′00″ N, long. 112°30′45″ W; due W to long. 112°50′00″ W; due N to lat. 41°10′00″ N; due E to lat. 41°10′00″ N, long. 112°35′00″ W, point of beginning.	Surface to unlimited.	Continuous, Apr. 1 through Apr. 21, 1951.	15th Air Force Hdqrs.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–3926; Filed, Apr. 2, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5686]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DON N. CARNERIE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections; Government connection—Unique or special status or advantages;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods; Business status, advantages or connections:* § 3.1425 *Government connection;* § 3.1520 *Personnel or staff;* § 3.1570 *Unique status or advantages—Goods;* § 3.1670 *Jobs and employment;* § 3.1740 *Scientific or other relevant facts;* § 3.1770 *Unique nature or advantages.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment.* Subpart—*Securing signatures wrongfully:* § 3.2175 *Securing signatures wrongfully.* Subpart—*Using misleading name—Vendor:* § 3.2380 *Government connection.* In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study (1) representing, directly or by implication, that respondent has any connection with the United States Government, or any branch or agency thereof, through the use of the term Civil Preparation Service, or any other term of similar import or meaning, as a trade name, or as a part therof; (2) representing through the use of official publications of the United States Government, or other books or publications resembling or simulating them, that respondent or his agents are connected with the United States Government, or any branch thereof; (3) representing in any manner, directly or by implication, that respondent has any connection with the Government of the United States, or any branch thereof; (4) representing, directly or by implication, that the number of positions available or vacant in the United States Civil Service, or any branch thereof, is greater than is actually the fact; (5) representing, directly or by implication, that positions in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study, or that it is necessary to take such courses in order to qualify for such positions, or that respondent can guarantee a position if such courses are completed; (6) representing, directly or by implication, that students who complete respondent's courses of study can or will be placed by respondent in whatever position or location such student may select; (7) representing, directly or by implication, that respondent has advance information, or information not generally available to the public, with respect to positions available in the United States Civil Service; (8) representing, directly or by implication, that persons employed in United States Civil Service positions are pensioned after twenty years of service, or that such persons may retire in any given number of years or at any designated pension, when such is not the fact; or, (9) soliciting, procuring or accepting executed applications or contracts for respondent's courses without permitting prospect to read same over fully and thoroughly without interruption; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order, Don N. Carnerie trading as Civil Preparation Service, etc., Docket 5686, January 13, 1951]

In the Matter of Don N. Carnerie, Individually and Doing Business Under the Names and Styles of Civil Preparation Service, and American Extension Service

This proceeding was heard by Frank Hier, trial examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, the answer of the respondent, and certain hearings at which testimony and other evidence in support of the complaint were introduced, which testimony and other evidence were duly recorded and filed in the office of the Commission, and the case was subsequently formally closed, following the failure of respondent—who attended only one hearing, to which he was subpenaed as a witness, and retained no counsel—to adyise the trial examiner of an intention or desire to offer evidence by way of defense to the complaint, after indicating he would not do so.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, and other evidence, and said trial examiner, having duly considered the record in the instant matter, found said proceeding in the interest of the public, and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 13, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondent Don N. Carnerie, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent has any connection with the United States Government, or any branch or agency thereof, through the use of the term Civil Preparation Service, or any other term of similar import or meaning, as a trade name, or as a part thereof.

2. Representing through the use of official publications of the United States Government, or other books or publications resembling or simulating them, that respondent or his agents are connected with the United States Government, or any branch thereof.

3. Representing in any manner, directly or by implication, that respondent

has any connection with the Government of the United States, or any branch thereof.

4. Representing, directly or by implication, that the number of positions available or vacant in the United States Civil Service, or any branch thereof, is greater than is actually the fact.

5. Representing, directly or by implication, that positions in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study, or that it is necessary to take such courses in order to qualify for such positions, or that respondent can guarantee a position if such courses are completed.

6. Representing, directly or by implication, that students who complete respondent's courses of study can or will be placed by respondent in whatever position or location such students may select.

7. Representing, directly or by implication, that respondent has advance information, or information not generally available to the public, with respect to positions available in the United States Civil Service.

8. Representing, directly or by implication, that persons employed in United States Civil Service positions are pensioned after twenty years of service, or that such persons may retire in any given number of years or at any designated pension, when such is not the fact.

9. Soliciting, procuring or accepting executed applications or contracts for respondent's courses without permitting prospect to read same over fully and thoroughly without interruption.

By "Decision of the Commission and order to File Report of Compliance", Docket 5686, January 13, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3955; Filed, Apr. 2, 1951; 8:50 a. m.]

[Docket 5812]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LARRY QUINN FASHIONS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act;* § 3.1900 *Source or origin; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction, into commerce, or the sale, transportation or distribution of ladies' suits or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; (c) the percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool; and, (d) the name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Larry Quinn Fashions, Inc., et al., Docket 5812, January 12, 1951]

In the Matter of Larry Quinn Fashions, Inc., et al.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission, the answer of the respondents, and an initial hearing at which respondents' motion to withdraw said original answer and to substitute an answer accompanying said motion was granted by said trial examiner.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and said substitute answer thereto, in which respondents admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to the said facts, and said trial examiner, having duly considered the record, found said proceeding in the interest of the public, and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 12, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Larry Quinn Fashions, Inc., a corporation, and its officers, and Lawrence I. Cohen, individually and as an officer of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding ladies' suits or other "wool products," as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool;

(d) The name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5812, January 12, 1951, which an-

nounced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3954; Filed, Apr. 2, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 362]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 357]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, ILLINOIS, MICHIGAN, MINNESOTA AND NEW JERSEY

Amendment 362 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 357 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 33a, is amended to describe the countries in the Defense-Rental Area as follows:

Monterey County, except the City of Salinas; and in Santa Cruz County, the Township of Watsonville.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the City of Des Plaines; Du Page, Kane, and Lake Counties.

This decontrols the City of Des Plaines in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

3. In Schedule A, all of Item 150, which pertains to Kent County, Michigan, is deleted.

This decontrols that portion of Kent County, Michigan, not heretofore decontrolled, said County being a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 160c, is amended to read as follows:

(160c) [Revoked and decontrolled.]

This decontrols (1) the City of Winona in Winona County, Minnesota, a portion of the Winona, Minnesota, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Winona being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, consisting of the remainder of Winona County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

5. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Boroughs of Audubon, Haddonfield and Merchantville; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the City of Millville.

This decontrols the Borough of Audubon in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

All decontrols effected by this amendment, except Items 3 and 4 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective March 30, 1951.

Issued this 29th day of March 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-3972; Filed, Apr. 2, 1951; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are issued to this chapter:

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

DISSEMINATION; FOREIGN NATIONALS

Paragraph (c) of § 805.7 is changed as follows:

§ 805.7 *Dissemination.* * * *

(c) *Foreign nationals*—(1) *General.* Exchanges of classified or unclassified military information with foreign nationals or governments will be made only through or with the express permission of the Chief of Staff, United States Air Force. Except as otherwise authorized in specific instructions furnished to interested commands or offices, requests received from foreign nationals or governments for military information, and all proposals originating within the Department of the Air Force to disclose military information to them, will be forwarded for necessary action through military channels to the Director of Intelligence, Headquarters United States Air Force. Requests so forwarded will include specific comments and recommendations by each commander as to whether the information should be disclosed.

(2) *Attachment and official visits.* Only the Chief of Staff, United States Air Force is authorized to make commitments to receive foreign nationals at Air Force installations, facilities, or other activities as visitors for official purposes, as observers or students, or for training or liaison purposes. The Chief of Staff, United States Air Force, will issue the necessary letter orders or other instructions in writing to the commander concerned attaching foreign nationals to specific courses or units or authorizing officials visits as may be appropriate. Personnel attached to an installation may visit another installation whenever necessary in the authorized course of instruction or performance of assigned duty upon approval of the commander of the installation to be visited.

(3) *Disclosure of information by commanders.* Authority to disclose military information to accomplish the purpose of the attachment or visit of each foreign national will be included in detail in the orders or other written instructions to commanders concerned. Such instructions will be as specific as possible concerning security classification category and subject matter. Commanders will take positive measures to restrict access to military information by foreign nationals to that specifically authorized.

(4) *Release of documents to students.* Commandants of Air Force schools may permit foreign nationals attached to their commands for instructional purpose to retain permanently unclassified matter and documents classified Restricted which are used by them as a part of the course of instruction.

[AFR 205-1C] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a)

Subchapter B—Aircraft

PART 822—USE OF CONTINENTAL AIR FORCE BASES BY OTHER THAN AIR FORCE AIRCRAFT

POLICY; LANDING AND PARKING FEES; INSURANCE

1. Section 822.1 is amended by changing the fourth sentence as follows:

§ 822.1 *Policy.* * * * Commanding officers are authorized to permit the landing at active airfields under their jurisdiction of aircraft which are exempt from the payment of landing fees specified in § 822.12 without reference to Headquarters United States Air Force, provided such aircraft are not housed or based at the installation for a protracted period (one week or longer). * * *

2. Paragraphs (c) (4) and (5) of § 822.12 are changed as follows:

§ 822.12 *Landing and parking fees.*

* * *

(c) *Fees not to be charged.* Landing fees will not be charged for the following aircraft:

* * * * *

(4) Private aircraft owned and operated by military and auxiliary (Civil Air Patrol, United States Air Force Auxiliary, Reserve Forces, National Guard, Reserve Officers' Training Corps) personnel on active duty and not for any business or air commerce purpose.

(5) Private or executive aircraft operated by contractors to the Government or by persons or firms having legitimate official business with Government activities in the immediate vicinity of the installation, including but not limited to charter flights to transport military traffic by contract or on transportation requests.

3. Paragraph (c) (1) of § 822.14 is changed as follows:

§ 822.14 *Insurance.* Aircraft owners or operators, except those exempted from landing fees as outlined in § 822.12, making frequent use (more than one landing a month) of Air Force aviation facilities will be required to keep in force at their own cost and expense aircraft liability insurance as follows:

* * * * *

(c) All policies will provide specifically, by indorsement or otherwise:

(1) Waiver of any right of subrogation the insurance company may have against the United States by reason of any payment under this policy on account of damage or injury in connection with the insured's use of any Air Force base or facility or the insured's purchase of services or supplies from the Air Force.

* * * * *

[AFR 87-7B] (R. S. 161, Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply sec. 5, 44 Stat. 570, as amended; 49 U. S. C. 175)

Subchapter G—Personnel

PART 885—APPOINTMENT OF SECOND LIEUTENANTS FROM DISTINGUISHED MILITARY GRADUATES, AIR FORCE RESERVE OFFICERS TRAINING CORPS

APPLICATION; FIELD PROCESSING; PROCESSING BY HEADQUARTERS UNITED STATES AIR FORCE; SELECTION AND NONSELECTION

1. Paragraph (b) of § 885.6 is changed as follows:

§ 885.6 *Application.* * * *

(b) *Completion of application.* Each distinguished military student desiring appointment in the Regular Air Force will submit to the professor of air science and tactics a formal application on Air Force Form 17, "Application for Commission in the USAF," in duplicate, with a photograph of himself, not less than three by five inches in size with his and the institution's name on back. He also will submit a loyalty statement in accordance with the provisions of Part 886 of this chapter (14 F. R. 6979-80; 32 CFR, 1949 Supp., 886; 15 F. R. 6857-58) and attach to the application a copy of the letter designating him a distinguished military student and a transcript of college credits earned prior to submission of application. In instances where the policy of the institution is not to give a transcript of credits to the student, he will take the necessary action to have the transcript forwarded direct to Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C., to arrive not later than 15 days after the close of the application period. Each applicant will indicate under "Remarks" (item 17 of Air Force Form 17), the career training option being pursued. (Example: Administration and Logistics). Applicants may select as second choice, service in the Department of the Army. Applicants desiring to make a second choice will indicate this fact and will show, under "Remarks" (item 17 of Air Force Form 17), the arm or service in which they desire to serve.

* * * * *

2. Section 885.7 is changed as follows:

§ 885.7 *Field processing*—(a) *Biographical test and evaluation reports.* Prior to the processing of applicants by the interview board, the professor of air science and tactics will supervise the execution of the biographical test by each applicant, and obtain three completed forms WD AGO PRT 708, "ROTC Evaluation Report, Answer Sheet," for each applicant. Two of the evaluation reports will be accomplished by members of the Air Force Reserve Officers' Training Corps detachment and will clearly indicate in item D, Section V, the specific accomplishments of the cadet which warrant the designation "Distinguished" as cited in paragraph (a) (3) and (4) of § 885.3. The other evaluation report will be accomplished by the Air Force Reserve Officers' Training Corps summer camp commander or his representative. If the student is designated subsequent to his attendance at summer camp, or does not attend summer camp until after completing the second year of the advanced course, Air Force Reserve Officers' Training Corps, the third copy of the evaluation report will be submitted by a member of the Air Force Reserve Officers' Training Corps detachment. If practicable, the professor of air science and tactics will submit one of the evaluation reports; however, all rating personnel must have had an adequate opportunity to observe the applicant.

(b) *Appointment and composition of the interview board.* The appropriate Air Force commander will appoint boards of officers to interview the applicants. Each board will be composed of a minimum of three Air Force field grade officers, a majority of whom will be commissioned in the Regular component. The professor of air science and tactics and members of the military staff of a particular institution will not be utilized as members of the board appointed to interview candidates from that institution.

(c) *Forwarding of screening materials.* Upon completion of the processing of applicants by the interview board, the professor of air science and tactics will forward, for each applicant processed, the applications and allied papers direct to the Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C. The material will be forwarded by letter of transmittal listing each applicant in order of professor of air science and tactics preference, to reach the Director of Training not later than November 15 for applications submitted during the period of 1 to 15 October and not later than 30 April for applications submitted during the period of 15 to 30 March.

(d) *Forwarding of disqualifying information.* Prior to the execution of the Oath of Office by an approved applicant, the professor of air science and tactics will transmit to the Director of Training, Headquarters United States Air Force, by the most expeditious means, any information which might disqualify the applicant for appointment in the Regular Air Force.

(e) *Physical examination.* Each approved applicant will be notified of his selection and of the time and place to report for physical examination. Determination of physical qualification or disqualification will be made by Headquarters United States Air Force.

3. Section 885.8 is changed as follows:

§ 885.8 *Processing by Headquarters United States Air Force.* Upon receipt of applications and screening materials, the Director of Training will compute a composite score for each applicant and transmit the documents to the Air Force Personnel Board for final selection as follows:

(a) Not later than December 15 for applications submitted during the period of October 1 to 15.

(b) Not later than May 30 for applications submitted during the period of March 15 to 30.

4. Section 885.9 and the heading thereof is changed to read as follows:

§ 885.9 *Selection and nonselection*—(a) *General.* The distinguished military students selected for appointment will be those applicants considered best qualified to meet the needs of the Air Force. The most pressing requirement at this time, is for persons trained in the following academic fields:

(1) Engineering.

(2) Basic sciences, such as mathematics, physics and chemistry.

(3) Management and its related fields.

(b) *Notification of selection.* The Director of Training will transmit the names of those applicants selected for Regular appointment by the Air Force Personnel Board to the appropriate Air Force commander, as follows:

(1) On or about January 30 for applications submitted during the period of October 1 to 15.

(2) On or about June 30 for applications submitted during the period of March 15 to 30.

If for any reason an application does not reach the Director of Training, Headquarters United States Air Force, by the

established deadline (§ 885.7 (c)) or if an application is incomplete upon arrival at Headquarters United States Air Force, such application will be processed after the complete applications submitted prior to the deadline have been processed. Notification of selection of these applicants will be made as early as possible but will be later than the dates shown in subparagraphs (1) and (2) of this paragraph.

(c) *Notification of nonselection.* Candidates who have not been selected for appointment will be notified through the appropriate Air Force commander and the professor of air science and tactics.

[AFR's 36-15; 36-15A; 36-15B] (R. S. 161, Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply Secs. 502, 506, 61 Stat. 883, 890; 10 U. S. C. Sup., 506, 506C)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-3925; Filed, Apr. 2, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Amdt. 1]

CPR 9—TERRITORIES AND POSSESSIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of Ceiling Price Regulation 9, it has become apparent that certain features of the regulation need to be modified in order to clarify its intent, to close certain gaps, and to extend the time limits of certain of its recording requirements.

The revision of section 3 is in the nature of a clarification. It more definitely ties in the delivery or offer, on which the markup to be used in arriving at your ceiling price for a commodity is determined, with the most recent direct cost on which a delivery or offer of that commodity was made during the base period. This was the intent and purpose of section 3 as originally issued.

The revision of section 4 follows the pattern of revised section 3 and more definitely ties in the delivery on which the markup to be used in arriving at your ceiling price is determined with the most recent direct cost on which a delivery was made during the calendar year 1950, and prior to December 19, 1950. This was the intent and purpose of section 4 as originally issued.

The amendment to section 5 tightens up the method by which a seller selects the comparison commodity from a category. Under section 5 of CPR 9 the requirement that the comparison commodity must be the commodity "customarily bearing the same markup" has proved to be loose and not sufficiently definite. This amendment provides that the comparison commodity must be the "one which has a direct cost most nearly approximating that of the commodity being priced."

This amendment extends the deadline on certain reporting requirements in section 9 from April 1, 1951, to April 30, 1951. This extension became necessary because of the difficulty in staffing the Territorial Offices and the resulting inability of those offices to make the proper distribution to sellers of the regulation and to publicize its record keeping requirements.

In section 15, the definitions "average dollar-and-cents markup" and "dollar-and-cents markup" have been deleted. These definitions are no longer necessary in view of the revision of sections 3 and 4.

AMENDATORY PROVISIONS

Ceiling Price Regulation 9 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Ceiling prices for commodities sold in the base period.* Your ceiling price for the sale of a commodity is your direct cost of the commodity plus a dollar-and-cents markup, which is equivalent to the difference between your latest direct cost prior to January 26, 1951, as reflected in a base period delivery price to purchasers of the same class and that delivery price. If you reflected the latest direct cost prior to January 26, 1951, in base period deliveries of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

If you did not deliver the commodity during the base period but did offer it for delivery during that period, your ceiling price is your direct cost of the commodity plus a dollar-and-cents markup equivalent to the difference between your most recent direct cost prior to January 26, 1951 as reflected in a base period offer to purchasers of the same class and that offer. If you reflected the latest direct cost prior to January 26, 1951 in base period offers of delivery of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups included in such offers.

2. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices for commodities customarily handled by sellers but not sold in the base period.* If you wish to determine a ceiling price for a commodity which you customarily handle in the course of your business, but which you did not deliver or offer for delivery during the base period, you may determine your ceiling price by adding to your direct cost of a commodity a dollar-and-cents markup which is equivalent to the difference between your latest direct cost prior to December 19, 1950 as reflected in the price at which the commodity was delivered during the calendar year 1950 and that delivery price. If you reflected the latest direct cost prior to December 19, 1950 in deliveries of the commodity made in the calendar year 1950, to purchasers of the same class, at more than one price your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

3. Section 5 is amended to read as follows:

SEC. 5. *Ceiling prices for new commodities falling within categories dealt in during the base period.* Your ceiling price for a commodity you did not deliver or offer for delivery in the base period, and for which you do not choose to determine your ceiling price under section 4 of this regulation, which falls within a "category" in which you dealt during the base period, is determined by adding to your direct cost the dollar-and-cents markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3 of this regulation; and must be, of the commodities in that category, the one which has a direct cost most nearly approximating that of the commodity being priced.

4. Section 9 is amended as follows:

a. In section 9 (a) (2), strike out the date April 1, 1951 and substitute therefor April 30, 1951.

b. In section 9 (a) (3), strike out the date April 1, 1951 and substitute therefor April 30, 1951.

5. In section 15, delete the definitions of "average dollar-and-cents markup" and "dollar-and-cents markup".

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.)

Effective date: This amendment, except as otherwise herein stated, shall become effective on the 1st day of April 1951.

Dated: March 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-4063; Filed, Apr. 2, 1951; 11:57 a. m.]

[Distribution Regulation 1, Amdt. 3]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

QUOTAS ON CATTLE AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 3 to Distribution Regulation 1[1] (16 F. R. 1273) is hereby issued.

Preamble. At the time Distribution Regulation 1 was issued it was intended that quotas on all livestock covered by

[1] Formerly designated Distribution Order 1.

the regulation would be effective April 1, 1951. Because of the shortage of personnel in the Office of Price Stabilization all of the data necessary to establish quotas on all species of livestock could not be gathered. However, sufficient data was collected to establish quotas on cattle. The amendment establishes quotas on cattle and postpones to April 29, 1951, the establishment of quotas on calves, sheep and lambs, and swine. The quota on cattle for each Class 1 and Class 2 slaughterer is set at 100 percent of the amount of cattle he slaughtered during the corresponding period in 1950. Class 1A and 2A slaughterers are permitted to have cattle slaughtered for them on the same basis. Slaughterers who began business after April 1, 1950, and before February 9, 1951, are given a quota based on their average monthly slaughter of cattle during that period.

As a result of the shortage of personnel and the delay in distribution of some of the registration forms the date of issuance of registration numbers by OPS is postponed to April 15, 1951. This postponement will leave some Class 2 slaughterers without a registration number with which to mark their meats. To remedy this situation the Class 2 slaughterers marking requirements are amended to require marking of all meats on and after April 1, 1951, or as soon thereafter as the Class 2 slaughterers receive their registration numbers. On and after April 15, 1951, the marking requirement will be in effect for all Class 2 slaughterers. Beginning on that date Class 1 and Class 2 slaughterers may not slaughter livestock unless they have received their registration numbers.

The amendment also continues to April 29, 1951, the provisions pertaining to "Club" livestock, limits the applicability of the regulation to the forty-eight States and the District of Columbia, and makes minor technical changes in the regulation.

Distribution Regulation 1 is amended in the following respects.

1. Section 1 is amended by adding the following paragraph to the end thereof:

This regulation applies to the forty-eight states of the United States and the District of Columbia.

2. Section 2 is amended to read as follows:

SEC. 2. *Prohibitions against slaughtering.* (a) Between February 9, 1951, and April 29, 1951, you may not slaughter cattle, calves, sheep and lambs, or swine unless you were engaged in the business of slaughtering that species of livestock during the period from January 1, 1950, to February 9, 1951, or unless you are a resident operator of a farm who comes within the definition of a Class 3 slaughterer contained in section 5 of this regulation, or a livestock raiser as defined in section 6 of this regulation.

(b) On and after February 9, 1951, you may not have cattle, calves, sheep and lambs, or swine slaughtered for you unless you had that species of livestock slaughtered for you during the period from January 1, 1950, to January 1, 1951, or unless you are a resident operator of a farm or a livestock raiser mentioned in paragraph (a) of this section.

(c) After April 15, 1951 unless you have been registered by the Office of Price Stabilization, or unless you are a resident operator of a farm or a livestock raiser as defined, you may not slaughter cattle, calves, sheep and lambs, or swine.

(d) After April 1, 1951, if you are a Class 1 or Class 2 slaughterer you may not slaughter cattle in excess of your quota.

(e) After April 29, 1951, if you are a Class 1 or Class 2 slaughterer, you may not slaughter cattle, calves, sheep and lambs, or swine in excess of your quota.

(f) Violation of the regulation will subject you to the penalties of the Defense Production Act of 1950, including a fine of $10,000 and imprisonment up to one year.

3. Section 3 (b) is amended by substituting the date April 15, 1951, for the date April 1, 1951, wherever it appears.

4. Section 3 (c) is amended by substituting the date April 29, 1951, for the date April 1, 1951, appearing in the first sentence and adding before the first sentence the following sentences: "For the period beginning April 1, 1951, and ending April 28, 1951, you will have a quota on cattle. The quota will be the same number of pounds live weight of cattle you slaughtered during the period from April 3, 1950, to April 29, 1950, inclusive. If you received an adjustment on your slaughter of cattle for the quarter beginning April 3, 1950, and ended July 1, 1950, you may use 31 percent of the adjusted amount as the number of pounds live weight of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951. If you began slaughtering cattle after April 1, 1950, you may determine the amount of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951, by dividing the total live weight of cattle slaughtered between April 1, 1950, and February 9, 1951, by the number of months in which you slaughtered cattle."

5. Section 3 (i) is amended by substituting the numeral "5" for the numeral "6" and the numeral "15" for the numeral "14".

6. Section 4 (b) is amended by substituting the date April 15, 1951, for the date April 1, 1951, wherever it appears.

7. Section 4 (c) is amended by substituting the date April 29, 1951, for the date April 1, 1951, appearing in the first sentence and adding before the first sentence the following sentences: "For the period beginning April 1, 1951, and ending April 28, 1951, you will have a quota on cattle. The quota will be the same number of pounds live weight of cattle you slaughtered during the period from April 3, 1950, to April 29, 1950, inclusive. If you received an adjustment on your slaughter of cattle for that period you may use the adjusted amount as your slaughter of cattle for the 1950 period. If you began slaughtering cattle after April 1, 1950, you may determine the amount of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951, by dividing the total live weight of cattle slaughtered between April 1, 1950, and February 9, 1951, by the number of months in which you slaughtered cattle."

8. Section 4 (f) is amended by substituting the word "number" for the word "name" appearing in the last sentence and by deleting the first sentence and substituting therefor the following sentence: "On and after April 1, 1951, or as soon thereafter as you receive your registration number from the Office of Price Stabilization, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut."

9. Section 4 (i) is amended by substituting the numeral "5" for the numeral "6" and the numeral "15" for the numeral "14".

10. Section 7 (a) is amended by substituting the date April 29, 1951 for the date April 1, 1951, wherever it appears.

11. Section 8 (a) is amended by substituting the date April 29, 1951 for the date April 1, 1951, appearing in the last sentence.

12. Section 8 (b) is amended by deleting the third sentence and substituting therefor the following: "There will be a quota on the amount of cattle he may slaughter for you for the period beginning April 1, 1951, and ending April 28, 1951. The quota will be the same number of pounds live weight of cattle he slaughtered for you during the period from April 3, 1950 to April 29, 1950, inclusive. Beginning April 29, 1951 there will be a quota on the different species of livestock he may slaughter for you."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment is effective March 31, 1951.

MARCH 30, 1951.

[SEAL] MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-4062; Filed, Apr. 2, 1951; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, as Amended Apr. 2, 1951]

M-8—TIN

This order which amends and supersedes NPA Order M-8, dated March 12, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with industry representatives in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and the fact that the amendment affects a large number of different trades and industries.

NPA Order M–8 is amended by effecting a change in the punctuation of section 4 (b); by making additions in section 8 (a) and in the footnote to section 8 (a); by adding a new phrase (8) at the end of section 8 (b); by inserting a new provision in column 2 of item 8 of Schedule IV; by adding a new sentence to the second column of item 4 of Schedule VII; and by making certain substitutions in item 14 of Schedule VII. As so amended NPA Order M–8 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Allocation of pig tin.
8. Certification.
9. Defense orders for items containing tin.
10. Exemption.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Reports and records.
15. Application for adjustments.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order amends and supersedes NPA Order M–8. The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing and construction. It prohibits all uses of pig tin, secondary tin and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories or pig tin and alloys and other materials containing tin and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible. It prohibits the private importation of pig tin after a specified date and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a U. S. foreign trade zone, or bonded custody of any United States Collector of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico, or any other foreign country, or shipments through U. S. foreign trade zones to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the continental United States, or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in section 14 of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF–7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b): "Tin" means pig tin and tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin, n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters and metallics	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Low grade" secondary tin-bearing drosses, residues and scrap metal means such material having a tin content not over 10 percent and an impurity content too high for use in the production of other items for which secondary low grade tin-bearing materials are permitted in the attached schedules.

(n) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) Commencing on March 1, 1951, no person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin in the manufacture, treatment, installation, construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) During February 1951, no person shall use in the manufacture of any item or in any process set forth in the attached List A a total quantity by weight of tin in any form specified in paragraph (b) in excess of 80 percent of his average monthly use of such materials for said purposes during the base period. Commencing on March 1, 1951, no person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, commencing on March 1, 1951, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

(e) Paragraphs (b) and (c) of this section do not apply to the use of tin in any form specified in paragraph (b) of this section prior to May 1, 1951, in the completion of any item that was in the process of manufacture or production on March 1, 1951.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions of section 4 and to the exemption in section 10, or unless specifically directed by the National Production Authority:

(a) No person shall put into process or otherwise use in the manufacturing, treating, installation, or construction during the following months, a total quantity by weight of pig tin in excess of the percentages specified with respect to each month of his average monthly use of such forms of tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

(b) No person shall put into process or otherwise use in manufacturing tin plate or terneplate during each of the months of April, May, and June, 1951 a total quantity by weight of pig tin in excess of 95 percent of his average monthly use of pig tin for this purpose during the base period; and no person shall put into process or otherwise use in manufacturing, treating, installation, or construction during each of these months for any other purpose or purposes, a total quantity by weight of pig tin in excess of 90 percent of his average monthly use of pig tin for such other purposes during the base period.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority during the calendar quarter commencing January 1, 1951, no person shall use for maintenance, repair, and operating supplies a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That such use is permissible only in connection with items, products, or processes included in the attached schedules and to the extent permitted thereby. No pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) Commencing on May 1, 1951, no person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limits of the authorization. The National Production Authority may specifically direct the purposes for which a person may process pig tin or otherwise use it in manufacturing, treating, installation, or construction, whether or not directly allocated to him.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-7 not later than the 20th day of the month preceding the month in which delivery is sought.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) Delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 5 long tons, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

> The undersigned hereby certifies, subject to statutory penalties, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M-8, that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority and that the pig tin received pursuant to this order will be used only for resale as permitted by NPA Order M-8 or for (*specify end use*) in accordance with that order.
>
> (Schedule _____, item _____)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt containing more than 10 percent of tin, copper-base alloys containing 3.5 percent or more tin, or other alloys containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin unless the purchaser furnishes a signed certification as follows:

> The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule____, item____) as follows: [1]
>
> _____
> (Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) Tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific author-

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

ization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 5/32 inch in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt in lots not exceeding 5 pounds; (6) printing plates and type metal containing tin for use by the printing, publishing and related services industries; (7) liquor-finished wire; or (8) scrap containing not more than 6 percent tin by weight, when delivered to a scrap dealer or smelter.

(c) No person giving a certification under this section may receive, use or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order, unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of sections 4 and 5 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin.	1. 120 days (for manufacture of tin plate); 60 days (for any other use).
2. Copper-base alloys (containing 1.5 percent or more tin).	2. 60 days.
3. Solder, babbitt, and other alloys containing 1.5 percent or more tin (except copper-base alloys).	3. 60 days.
4. All other materials containing tin.	4. 60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of this regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation, acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950) except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M-8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) Reports on pig tin:

(1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the 10th of December and on or before the 10th day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on Customs Entry: No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs unless the person making the entry shall complete and file with the Collector of Customs Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) Records: (1) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

(d) All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by a fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on April 2, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game and vending machines.
19. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
20. Toys and games.
21. Zinc galvanizing.
22. All other ornamental or decorative purposes.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

A. CAST COPPER-BASE ALLOYS

Alloys containing 3.5 percent or more by weight of tin may be cast for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts	(2) 18.
(3) High ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or discs, machine tool spindle bearings	(3) 12.
(4) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings and bushings	(4) 10.
(5) Bearings produced by the process of powder metallurgy	(5) 10.
(6) Steam industrial and aircraft valves, fittings and specialties	(6) 9.
(7) Tablets, markers, and memorials	(7) 3.5.
(8) All other castings	(8) 6.

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys, but the tin content of such alloys must be limited to the amount essential for the particular purpose.

C. COPPER NICKEL ALLOYS

(1) Seats, discs, and bearing surfaces of steam and industrial valves	(1) 12.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 80.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives and busses (including the dipping of commutator segments); electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(6) Unlimited.
(7) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(7) 40.
(8) For any other soldering operations	(8) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt for the following purposes only	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses.	(2) 90.
(3) For manufacture, repair, maintenance or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, and paper mill machinery.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment, including fluid milk shipping containers, ice cream cans, strainers, pails, and other dairy equipment.	(1) Plate, coat or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire—0.032" nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032" nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0250" thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to .0004" in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.
(7) Steel wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 lbs. per sq. in. for manufacture of stranded cable (not including picture wire, fishing leaders and like items) but including musical instrument strings.	

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(7) Steel wire, for following purposes—Continued	(7) Coat for purposes indicated.
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials;	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches or box and carton construction).	
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M-24.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 7 percent of tin, may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding .00006."
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	*Maximum permissible tin content of foil (percent by weight)*
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions .00035" by 1 inch or less	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	*Permitted use*
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other Schedules).
(2) Tin chemicals (excluding tin oxide) produced from "low-grade" secondary tin-bearing drosses, residues, or scrap metal (See definition in Section 2).	(2) May be used for any purpose except to make items included in List A.

B. TIN OXIDE

Production	*Permitted use*
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) Commencing on March 1, 1951, for the production of green, pink, yellow and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	*Permitted use*
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	*Permitted use*
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11)—
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.
(13) Secondary tin bearing drosses, residues, and scrap metal containing not more than 10 percent tin.	(13) May be used for any purpose except to make items included in List "A."
(14) Bismouth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(14) (a) For items permitted by both order M-48 and the schedules attached to order M-8; the tin content is limited to that set forth in the schedules for the particular item and use. (b) For all other items permitted by order M-48 and not included in the schedules attached to order M-8, the tin content is limited to the minimum required for the particular use under order M-43.
(15) Clutch and brake facings when produced by the process of powder metallurgy wholly from metals.	(15) Not more than 10 percent by weight of tin powder.

[F. R. Doc. 51-4027; Filed, Mar. 30, 1951; 4:36 p. m.]

[NPA Order M-23 as amended Mar. 31, 1951]

M-23—Carded Cotton Sales Yarn

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-23 (January 12, 1951) as follows: It redesignates §§ 75.1 through 75.6 thereof, as sections 1 through 6, respectively, and redesignates §§ 75.7 through 75.11 thereof, as sections 8 through 12, respectively. It amends the renumbered sections 1, 5, 6, and 9 thereof, as hereinafter set forth, and adds a new section 7. The word "part" is changed to "order" wherever it appears therein. As so amended, NPA Order M-23 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Forms of carded cotton sales yarn to which this order applies.
4. Required delivery dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. Restrictions on spinning spindles.
8. NPA assistance in placing rated orders.
9. Adjustments or exceptions.
10. Communications.
11. Records, audit, inspection, and reports.
12. Violations.

Authority: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* This order applies particularly to producers of carded cotton sales yarn, and provides rules for placing, accepting, and scheduling rated orders therefor. Its purpose is to provide equitable distribution of rated orders among all carded cotton sales yarn producers of the particular types mentioned in section 3 of this order in order to make possible maximum production of such yarn and to reduce to a minimum disruption of its normal distribution. This order also places restrictions on the operation of spinning spindles. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the carded cotton sales yarn industry.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of spinning carded cotton yarn produced for sale as such.

(c) "NPA" means National Production Authority in the Department of Commerce.

Sec. 3. *Forms of carded cotton sales yarn to which this order applies.* This order applies to carded cotton yarn produced for sale as such, regardless of count or ply or put-up and whether undyed, dyed, tinted, or otherwise treated, including all second quality yarns, and waste or waste content yarns.

Sec. 4. *Required delivery dates.* A rated order for carded cotton sales yarn must specify delivery on a particular date or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of carded cotton sales yarn must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

Sec. 5. *Rejection of rated orders.* Unless specifically directed otherwise by NPA, a producer of carded cotton sales yarn need not accept a rated order that is (a) received less than 15 days prior to the first day of the month in which shipment is requested, or (b) for a yarn of a specification or put-up not normally made by such producer and of a type that would cause lack of balance in mill production.

Sec. 6. *Limitation for acceptance of rated orders.* Unless otherwise directed by NPA no producer shall be required to accept rated orders for the types of carded cotton sales yarn listed in this section for shipment in any month in excess of the following respective percentages by weight of his average monthly shipment of such types made by him during the period from July 1, 1950, through December 31, 1950:

Types of yarn:	*Percentage by weight*
Group 1—Coarser yarns than sixes in the single, and in any ply	20
Group 2—Yarns from sixes to twenty-twos inclusive in the single, and in any ply	30
Group 3—Finer yarns than twenty-twos in the single, and in any ply	20

Sec. 7. *Restrictions on spinning spindles.* No producer shall operate any spinning spindle which on March 12, 1951, he used for the manufacture of carded cotton sales yarn (or had in place and in operating condition for such use) in any of the three groups specified in section 6 of this order, except for the manufacture of carded cotton sales yarn in such group.

Sec. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for carded cotton sales yarn due to the limitation imposed by section 6 of this order should apply to NPA, Ref: M-23, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating other sources of supply.

Sec. 9. *Adjustments or exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 10. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-23.

Sec. 11. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

Sec. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocaton control and to deprive him of further priorities assistance.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect as amended March 31, 1951.

Dated: March 29, 1951.

National Production Authority,
[SEAL] Manly Fleischmann,
Administrator.

[F. R. Doc. 51-4028; Filed, Mar. 30, 1951; 4:36 p. m.]

[NPA Order M-45, Schedule 1]

M-45—Naphthenic Acid

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Section 1. *Definition.* "Naphthenic acid" means crude, processed, distilled, or refined acid (monobasic carboxylic acid of the general formula RCOOH, where R is a napthenic radical) having an acid value of 180 or higher on an oil included basis and containing not more than 20 percent of unsaponifiable matter by weight.

Sec. 2. *General provisions.* Naphthenic acid is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is April 1, 1951. The allocation period is the calendar month. The small order exemption without use certificate is one drum of not in excess of 55 gallon capacity (approx. 440 pounds) per person per month.

Sec. 3. *Filing date and unit of measure.* The filing date is the 15th day of the month before the proposed delivery month. Applications relating to the allocation period commencing April 1, 1951, should be filed as soon as possible. The unit of measure is the pound.

Sec. 4. *Termination of NPA authorization to use.* An authorization by NPA to any person to use naphthenic acid shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

Sec. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to naphthenic acid.

Sec. 6. *Certified statement of proposed use.* Every person who purchases naphthenic acid from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45, and where more than one end-use is listed for a particular product, to specify a separate quantity for each such end-use. Such statement should specify:

(a) The following products:

Aluminum naphthenate.	Mineral concentrates.
Cobalt naphthenate.	Pigments.
Copper naphthenate.	Rubber compounding composition.
Crude oil demulsifier.	Sodium naphthenate.
Esters.	Zinc naphthenate.
Iron naphthenate.	Other.
Lead naphthenate.	
Manganece naphthenate.	

(b) The following end-uses:

Cutting oils and emulsifying agents.	Plasticizers.
Lubricants.	Resale.
Napalm	Textile impregnants.
Paint driers.	Export.
	Other.

Sec. 7. *Supplier's application on Form NPAF-47.* Every supplier of naphthenic acid is required to apply on Form NPAF-47, for authorization to deliver, or to use, any quantity of naphthenic acid in excess of the small order exemption. General instructions on the preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. Fill out a separate Form NPAF-47 for each grade, i. e., crude, processed, distilled, or refined. The supplier is not required to list individual purchasers, but should show in column (2) of such form the total quantity ordered (and covered by end-use certificates) for each of the products and each of the end-uses set forth in section 6 of this schedule. Where more than one end-use is listed for a particular product, a separate quantity should be specified for each such end-use. A supplier who wishes to use any naphthenic acid which he has produced himself should list his own name as a customer on Form NPAF-47.

Sec. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-45, Schedule 1.

Note: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This schedule shall take effect, except as otherwise provided herein, on March 31, 1951.

Dated: March 29, 1951.

National Production Authority,
[SEAL] Manly Fleischmann,
Administrator.

[F. R. Doc. 51-4029; Filed, Mar. 30, 1951; 4:36 p. m.]

[NPA Order M-50]

M-50—Electric Utilities

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

Authority: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

Section 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO-48 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO-48 (Minor) ratings to certain orders for program materials for minor requirements.

Sec. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4 and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction or of additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M–4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except use in major plant additions, and except use in construction for which specific NPA authorization is required under NPA Order M–4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MR) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in Schedule A of NPA Order N–44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions*—(a) *Charges against quota.* No electric utility shall obtain by use of the DO–97 rating any material herein excluded from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however,* That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article,

the ratings authorized by this article shall be applied to all orders for any program material including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* No electric utility may order any program material for use in any major plant addition unless specifically authorized by DEPA. For each program material approved by DEPA for use in a major plant addition, an electric utility is hereby authorized to apply the DO–48 rating to orders for the quantity of such program material specified by DEPA. After May 1, 1951, no electric utility may use any program material in a major plant addition unless such use is authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO–48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO–48 or DO–48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO–48" or "DO–48 (Minor)" together with the words "Certified under NPA Order M–50". Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* An electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal) it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the gross weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO–48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA–4 series. Forms in the DEPA–4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 1, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum.

2. *Standard aluminum conductor quota for minor requirements:* 20 percent.

3. *Alternative aluminum conductor quota for minor requirements:* 80 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does ont exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA–4A.

6. *Effect on NPA Order M–7.* The provisions of this order supersede NPA M-7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Aluminum conductor accessories quota.* There are no quotas applicable to the procurement of aluminum conductor accessories.

3. *Quantity restrictions.* No electric utility may order for delivery in any quarter a larger quantity of aluminum conductor accessories than necessary for use in connection with aluminum conductor which such utility is authorized to use or order for delivery in such quarter, and for such additional quantity of aluminum conductor accessories which it requires for use in such quarter in maintenance and repair.

4. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO–48 (Minor) rating to orders for aluminum conductor accessories.

[F. R. Doc. 51–4030; Filed, Mar. 30, 1951; 4:37 p. m.]

[NPA Order M–51]

M–51—GLASS CONTAINERS; SIMPLIFICATION AND USE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order

has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Permitted manufacture of glass containers.
4. Establishment and use of simplified designs.
5. Time allowed for conversion to simplified designs.
6. Force and effect of schedules.
7. Exceptions.
8. Interchange of finishes.
9. Export.
10. Application for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to increase the supply of glass containers for packaging. To accomplish this purpose, the creation of new designs of glass containers is prohibited by limiting the manufacture and use of glass containers to designs in existence or to simplified designs of glass containers which are from time to time included in a schedule to be issued under this order. As a further means of accomplishing this purpose, the order provides that the National Production Authority (hereinafter called "NPA") may from time to time require the use of glass containers of simplified designs for the packaging of specified products.

SEC. 2. *Definitions.* For the purposes of this order and of any schedule issued hereunder: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Glass Container" means any new machine-made bottle, jar, or tumbler which is made of glass and which is intended for packaging any product.

(c) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container.

(d) "Finish" of a glass container means the configuration of the neck or opening which serves to engage specific parts of the closure in order to affix it to the glass container.

(e) The term "design" with respect to a glass container means the particular shape, weight, size, capacity, and contour of the body of such container (other than the finish), and includes any lettering or decoration molded thereon, except the identification marks of the container manufacturer.

(f) The term "design in existence" with respect to a glass container means a design which has been produced in one or more production runs on or before March 31, 1951.

(g) The term "simplified design" means the design of a glass container shown in any drawing and by the particular specifications set forth opposite a design number in the table of specifications accompanying such drawing in a schedule which will be issued under this order and designated as Schedule 1. Any applicable footnotes relating to individual drawings and tables of specifications are a part of such specifications.

(h) The letters "GCMI", when used in connection with any specification included in a schedule of this order, mean a specification issued by Glass Container Manufacturers Institute, Inc.

SEC. 3. *Permitted manufacture of glass containers.* Effective on and after March 31, 1951, no person shall manufacture for sale a glass container except:

(a) Where the glass container is of a design in existence, or

(b) Where the glass container is of a simplified design incorporated in Schedule 1 of this order.

SEC. 4. *Establishment and use of simplified designs.* (a) NPA may from time to time establish simplified designs for glass containers by incorporating in Schedule 1 of this order drawings illustrating such containers and providing specifications for each such simplified design opposite a design number in the table of specifications accompanying such drawings.

(b) Both glass containers of these simplified designs and glass containers of designs in existence may be manufactured and used for packaging any product unless and until, through other schedules of this order, the use of designated glass containers of simplified designs is required for the packaging of specified products.

SEC. 5. *Time allowed for conversion to simplified designs.* Whenever a schedule is added to this order requiring that designated glass containers of simplified designs be used for packaging specified products, time, to the extent indicated in the schedule, will be allowed for conversion to the simplified designs. After the expiration of the allowed conversion period, only glass containers of the simplified designs designated for a specified product shall be manufactured or used for packaging that product, but during the interval between the date of the issuance of the schedule and the expiration of the conversion period provided for the specified product, glass containers of a design in existence may be manufactured and used for packaging such product.

SEC. 6. *Force and effect of schedules.* A schedule of this order may require that, in the packaging of specified products, designated glass containers of simplified designs be used, and may establish a quota limiting the number of such designated containers to be used in the packaging of any specified product. Schedules issued under this order shall be dated, and numbered consecutively from 1 upwards and shall be designated according to number as "Schedule — of NPA Order M 51," but may be issued without any amendment to or change in the text of this order and without any republication of this order or of any provision of this order. All provisions of any such schedule shall be deemed to be incorporated in and made a part of this order. In the event of inconsistency or conflict between a schedule and this order, the provisions of the schedule shall govern. Schedules may be issued or amended at any time and from time to time and shall remain in full force and effect until individually amended or revoked.

SEC. 7. *Exceptions.* Nothing in this order or any schedule of this order shall:

(a) Prevent variations in the design or finish of a glass container within the limits of normal operating tolerances;

(b) Prohibit the usual differences in glass container design due to manufacture with glass container machinery of different types;

(c) Prevent the manufacture of glass containers for fluid milk and other dairy products which differ from a design in existence or a simplified design solely by reason of the addition of lettering or identification marks as follows:

(1) Name of dairy.
(2) Address of dairy.
(3) Neck identification for use in sorting.
(4) The word "store" or "deposit".
(5) The amount of deposit.
(6) Single identification letter or symbol on bottom plate.
(7) Specific lettering required by law or local ordinance.

SEC. 8. *Interchange of finishes.* Unless specifically provided to the contrary, nothing in this order or any schedule of this order shall prevent the interchange of finishes on glass containers of a design in existence or of a simplified design: *Provided:*

(a) Such interchange can be effected without alteration of the body mold required to produce such design, and

(b) The interchanged finish is no greater in diameter than that used or specified for such design, or, if another type of finish is used, no larger than the corresponding size of that type of finish, and

(c) The capacity resulting from such interchange is no less than the capacity used or specified for such design, and

(d) The weight and height are not modified, and the capacity is not increased, to an extent greater than the minimum required by such interchange.

SEC. 9. *Export.* No person shall manufacture a glass container for shipment empty outside of the continental United States except a glass container of a design in existence or of a simplified design incorporated in Schedule 1 of this order, but glass containers so exported shall not be subject to the restrictions on use imposed by this order or any schedule of this order.

SEC. 10. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after a base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the

national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M–51.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4031; Filed, Mar. 30, 1951; 4:38 p. m.]

[NPA Order M-52]

M–52—MOLYBDENUM-BEARING STEELS; PRODUCTION

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

SEC.
1. What this order does.
2. Definition.
3. Limitation on molybdenum content.
4. Exceptions.
5. Application for adjustment or exception.
6. Communications.
7. Records and reports.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve molybdenum, which is in short supply, by reducing and limiting the molybdenum content of stainless steels to 2.5 percent maximum by weight.

SEC. 2. *Definition.* As used in this order, "person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Limitation on molybdenum content.* Except as otherwise directed by the National Production Authority, no person shall produce any molybdenum-bearing stainless steel the material specifications for which provide for a molybdenum content greater than 2.5 percent by weight.

SEC. 4. *Exceptions.* This order shall not prohibit the completion of the production of any stainless steel with a molybdenum content greater than 2.5 percent by weight which was in process of production at the effective date of this order.

SEC. 5. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 6. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref: M–52.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4032; Filed, Mar. 30, 1951; 4:38 p. m.]

[NPA Order M-53]

M–53—COTTON DUCK

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Required shipment dates.
4. Limitation for acceptance of rated orders.
5. Restrictions on operation of looms.
6. NPA assistance in placing rated orders.
7. Reports.
8. Records.
9. Audit and inspection.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law. 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of cotton duck and provides rules for placing, accepting, and scheduling rated orders for cotton duck. Its purpose is to provide equitable distribution of rated orders among all producers of cotton duck in order to make possible maximum production of cotton duck and to reduce to a minimum disruption of its normal distribution. It also places restrictions upon the operation of looms. This order supplements NPA Reg. 2, as amended, but only those provisions of that regulation which are inconsistent with this order are superseded and all other provisions of NPA Reg. 2 continue to apply to the cotton duck industry.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing cotton duck for sale.

(c) "Cotton duck" means any cotton fabric commonly known by that name, in any weight, 15 inches or wider (whether gray, bleached, dyed, printed, or otherwise treated and regardless of grade, quality, or length, except in lengths not exceeding 10 yards produced in the ordinary course of manufacture), including but not limited to the following types:

(1) Shelter tent duck.
(2) Numbered (wide or sail) duck.
(3) Narrow or naught duck.
(4) Hose or belting duck.
(5) Harvester duck.
(6) Filter duck or twills, plied yarn.
(7) Chafer duck (chafer fabric), single or plied yarn.
(8) Army duck (including woven awning stripe).
(9) Single or double filling flat duck.
(10) Shoe duck.
(11) Gem duck.
(12) Bootleg duck.
(13) Ounce duck.
(14) Enameling duck.
(15) Cover duck.
(16) Apron duck.

(d) "NPA" means National Production Authority.

SEC. 3. *Required shipment dates.* Every rated order for cotton duck must specify delivery on a particular date or dates, or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of cotton duck must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Limitation for acceptance of rated orders.* Unless otherwise directed by NPA, no producer shall be required to accept DO rated orders for cotton duck for shipment in the calendar quarter commencing April 1, 1951, or in any calendar quarter thereafter, in excess of 80 percent by weight of his scheduled production of cotton duck for such quarter.

SEC. 5. *Restrictions on operation of looms.* Commencing April 8, 1951, no producer shall use any loom except in the manufacture of cotton duck if he used such loom in such manufacture during the week commencing January 14, 1951, nor shall he operate such looms during any calendar week for fewer hours in the aggregate than during the week commencing January 14, 1951, unless otherwise directed by NPA.

SEC. 6. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for cotton duck due to the limitation imposed by section 4 of this order should apply to NPA, Ref: M–53, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 7. *Reports.* (a) Every producer shall file with the Bureau of the Census on or before April 15, 1951, on Form NPAF–43, a report of his operations in the fourth calendar quarter of 1950, and in the calendar week beginning January 14, 1951, and such other information as may be required by such form.

(b) Every producer shall file with the Bureau of the Census within 20 days after the end of the calendar quarter ending March 31, 1951, and 20 days after the end of each calendar quarter thereafter, on the Bureau of the Census Form M 15A–1, a report of his operations during such quarter, and such other information as may be required by such form.

(c) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 8. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 11. *Communications.* Except as otherwise specified in this order, all communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: Order M–53.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect, except as otherwise provided herein, on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4033; Filed, Mar. 30, 1951; 4:39 p. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 2 (FIS–1)]

NSA 2 (FIS–1)—PROCEDURAL RULES FOR FINANCIAL TRANSACTIONS UNDER AGENCY AGREEMENTS

The following procedural rules will be observed by the agent with respect to financial transactions under agency agreements entered into with the National Shipping Authority (herein re-

ferred to as the owner), it being understood that such instructions may be modified or supplemented from time to time as experience in operations under such agreements may dictate.

ACCOUNTS

Sec.
1. Books of accounts.
2. Bank account.

ACCOUNTING FOR REVENUES

3. Accounting for revenues.

FUNDING OF OPERATIONS

4. Funding of operations.

DISBURSEMENTS

5. Disbursements at principal office of agent.
6. Disbursements at other domestic ports.
7. Disbursements at foreign ports.

DOCUMENTS

8. Disbursement documents.
9. Maintenance of documents.
10. Lost documents.

REPORTS AND AUDIT

11. Reports to the owner.
12. Audit.

AUTHORITY: Sections 1 to 12 issued under 49 Stat. 1987, as amended; 46 U. S. C. 1114.

ACCOUNTS

SECTION 1. *Books of account.* A separate set of books of account shall be opened for the purpose of recording the various transactions in connection with the said agency agreement. The books of original entry and ledgers may be similar in design to those heretofore employed by the agent unless it develops that they are inadequate, in which event the deficiency shall be remedied promptly. The accounts required in operations under this agency agreement, however, shall conform to the chart in the uniform system prescribed by the Maritime Administration in General Order No. 22, Revised, as published in 15 F. R. 7935-7951, and recordings in the accounts shall be in accordance with the descriptions thereof contained in the said uniform system.

SEC. 2. *Bank account.* A separate joint bank account will be maintained in a depository or depositories designated by the agent and approved by the National Shipping Authority (referred to in this order as the owner), into which all collections under the agency agreement will be deposited and from which disbursements in connection with the activities, maintenance and business of the vessels thereunder will be made. Upon designation by the agent and approval by the owner of the depository or depositories, the owner will issue an order for the establishment of the joint bank account. The order will set forth the conditions governing the establishment and maintenance of the account and the making of deposits therein and withdrawals therefrom. A signed copy of the order of the owner will be furnished the agent and the agent promptly shall adopt, through its Board of Directors, a resolution satisfactory in form and substance to the owner, authorizing the establishment and maintenance of the account in conformity with the action of the owner. A signed copy of the order of the owner and a certified copy of the resolution of the agent will be furnished by the owner to the depository for its guidance in maintaining the fund and honoring instruments of withdrawal. The order will provide, among other things, that (a) withdrawals from this bank account may be made by the agent without the countersignature of the owner for disbursements in connection with the activities, maintenance and business of the vessels assigned under agency agreements, except disbursements involving payments to the agent directly, or to any other persons specifically designated by the Director, National Shipping Authority, in which instances the countersignature of a designated representative of the owner will be required, (b) withdrawals may be made from the account by the owner without the countersignature of the agent whenever and to the extent the owner shall determine that the balance in the account in excess of current operating requirements warrants such action, (c) the bank shall have no rights against the joint account on account of indebtedness of the agent either by way of set-off or otherwise, (d) the bank may receive for deposit in the joint account any funds tendered to it by any person with instructions that the same be deposited in the said account, and the bank shall have no responsibility to inquire as to the source of such funds, and (e) the bank shall disburse funds from the joint account in accordance with checks, drafts, or other orders for the payment of money, drawn as provided in the order, without making any inquiry as to the purpose or use to which such withdrawals are to be put.

ACCOUNTING FOR REVENUES

SEC. 3. *Accounting for revenues*—(a) *General.* (1) The agent shall be responsible for the prompt collection of all vessel operating revenue, shall issue such instructions as may be necessary to its branch houses or sub-agents, and shall take such other steps as may be necessary to insure prompt remittance to it of vessel operating revenue collected outside its principal office.

(2) Freight revenue collected, less refunds made therefrom, shall be remitted to the owner promptly subsequent to the close of each month. Disbursements except for refunds shall not be made from freight revenue collections unless specifically authorized by the owner.

(3) Passenger revenue collections shall be accounted for in accordance with procedures to be prescribed.

(4) The agent shall in all cases perform his audit and review functions promptly and shall be in a position to supply complete documentation for a current audit by representatives of the owner.

(b) *Revenue documents*—(1) *Freight revenue.* The agent shall require its domestic and foreign branch houses, subagents, or other representatives, to prepare and submit revenue documents (manifests, bills of lading, out turn weight certificates, correction notices, etc.) to it. The manifest, in addition to showing the name of shipper, consignee, weight or measurement, freight rate and basis (whether the freight rate applies on measurement or weight basis), and amount of freight, shall show also advance charges, prepaid beyond charges, etc. A recapitulation sheet shall be made of the totals shown on the individual manifest sheets for each port. The aggregate totals of weight and measurement freight shall be converted to freight payable tons of bulk, general, heavy lifts, and commodities subject to special stevedoring rates if freight carried is subject to an over-all stevedoring agreement.

(2) *Passenger revenue.* Agents to whom combination passenger and freight vessels have been assigned under agency agreements and who heretofore have established a passenger accounting procedure, may continue to follow such procedure under the agency operations, unless such procedure is found to be inadequate by the owner.

(3) *Certifications of revenue documents.* The following certifications will be signed by branch houses or subagents:

(i) *Freight manifests.* Certified to be a true and correct reflection of cargo loaded and rates charged.

Branch house or sub-agent
By: ---
Name *Title*

(ii) *Passenger manifests.* Certified to be a true and correct reflection of passengers carried and rates charged.

Branch house or sub-agent
By: ---
Name *Title*

(4) *Definition of manifest.* The term "manifest," as used in this order, shall be interpreted to include appropriate equivalent documents as customarily used.

FUNDING OF OPERATIONS

SEC. 4. *Funding of operations.* Cash advances will be made by the owner in such amounts and at such times as are required to adequately fund the activities, maintenance and business of the vessels assigned under agency agreements.

DISBURSEMENTS

SEC. 5. *Disbursements at principal office of agent.* All expenses directly applicable to the activities, maintenance and business of the vessels assigned under agency agreements shall be paid from funds advanced by the owner unless otherwise specifically provided. When paid by check, invoices shall reflect the numbers of the checks by which the invoices were paid; when paid other than by check of the agent at his principal office, invoices must bear evidence of payment.

SEC. 6. *Disbursements at other domestic ports.* Disbursements at domestic ports other than the principal office of the agent for expenses as referred to in section 5 shall be made by one of the three following methods:

(a) After proper certification by the branch house or subagent, invoices shall be forwarded to the agent for payment, or

(b) The branch house or subagent shall pay invoices and thereafter apply

to the agent for reimbursement, supporting its voucher with invoices bearing evidence of payment covering individual disbursement, or

(c) The agent may advance from time to time from the joint bank account the funds necessary to meet the requirements of such branch houses or sub-agents in connection with the activities, maintenance and business of the vessels assigned under the agency agreement. In such cases the branch house or sub-agent shall pay invoices from such advances and make proper accounting to the agent for each advance, supported by invoices bearing evidence of payment and accompanied by remittance covering any unexpended balance of the advance, promptly after the departure of each vessel for which such advance was made.

SEC. 7. *Disbursements at foreign ports.* Disbursement procedures at foreign ports may differ in the case of individual agents and in view of existing conditions. Disbursements at foreign ports shall be made by one of the following methods or by any other method outlined to and approved by the owner in advance of its use:

(a) The agent may advance from time to time from the joint bank account the funds necessary to meet the requirements of the business of the vessels assigned under the agency agreement. In such cases the foreign branch house or sub-agent shall pay invoices from such advances and shall make proper accounting to the agent for all advances supported by invoices bearing satisfactory evidence of payment. Any gains or losses in exchange on such advances or disbursements shall be for the account of the owner.

(b) The foreign branch house or sub-agent may pay all invoices from his own funds and thereafter draw on the agent for reimbursement, at the same time forwarding the disbursements account by air mail.

(c) The agent may establish Letters of Credit making funds available to the foreign branch house or sub-agent against which funds may be drawn by the sub-agent or branch house for payment of properly approved documents.

DOCUMENTS

SEC. 8. *Disbursement documents*—(a) *Preparation of invoices by contractors and/or vendors.* (1) Invoices from contractors or vendors shall be supported by evidence of delivery of supplies (delivery receipts), performance of services, or use of facilities furnished the vessels, and shall include the following:

(i) Name of vessel.

(ii) Name of port at which the services, supplies, or facilities were furnished.

(iii) Date of delivery or service.

(iv) Necessary details as to the nature of services, supplies, or facilities furnished, including quantity, rate, price and total amount.

(2) (i) In addition to the foregoing, contractors or vendors shall certify each invoice or voucher (original only) in the following manner:

I certify that the above bill is correct and just and that payment therefor has not been received.

_____
Name of contractor or vendor

By: _____
Name *Title*

(ii) The agent shall advise its domestic and foreign branch houses, sub-agents, or other representatives to the effect that the foregoing information and certifications must be shown on all invoices or vouchers when received from contractors or vendors.

(iii) In instances where the foregoing certification is unobtainable for foreign purchases only, it may be waived: *Provided*, That, in lieu of such certification, the agent certifies the invoice as follows:

We certify that the prescribed certification of the payee was unobtainable.

_____
General agent or berth agent

By: _____
Name *Title*

(3) In instances where it is not possible or practicable to obtain invoices bearing evidence of payment covering disbursements at foreign ports, that requirement will be waived, provided the agent certifies as follows:

We certify that, to the best of our knowledge and belief, this invoice has been paid.

_____
General agent or berth agent

By: _____
Name *Title*

(4) Invoices rendered to the agent by its branch houses or sub-agents shall be only those of the contractors or vendors who actually rendered the services or furnished the supplies or facilities.

(5) If the laws of any country require the foreign sub-agent or branch house to retain the original invoice with stamps affixed, or if such laws require the original receipt as prima facie evidence of payment, the corresponding duplicate copy of the invoice, in proper form, must be forwarded to the agent with notation to that effect made thereon by the foreign sub-agent or branch house.

(b) *Certification of master, ship's officers, branch houses, sub-agents, or duly authorized representatives.* (1) Evidence of delivery of supplies, performance of services, or use of facilities, as normally provided by delivery receipts, or an equivalent form, comprises an essential part of proper documentation for disbursing purposes.

(i) Where supplies are delivered or services or facilities are furnished directly to a vessel, evidence of delivery or performance normally should be signed by a ship's officer.

(ii) Where such evidence is not signed by a ship's officer, any duly authorized representative of the agent may sign as "Duly Authorized Representative," provided the agent shall be responsible for the designation of proper and qualified representatives and provided the agent shall furnish, when so required by the owner, adequate evidence that the signing representative was duly authorized by him. In instances in which the agent may not be able to identify in advance the representative who may sign, the agent shall have the responsibility for determining that the person signing was qualified to execute evidence of delivery of supplies, performance of services, or use of facilities involved.

(2) For charges for watching cargo, stevedoring, wharfage, receiving and delivering cargo, clerking and checking, or other services or facilities not rendered directly to the vessel, for which normally delivery receipts or any equivalent form are not furnished, the following certification on the face of the original invoice by a duly authorized representative of the agent is required.

I certify that the services or facilities as specified have been furnished.

_____
Name

_____
Duly authorized representative

(3) Ships' payrolls shall be certified by the master (or his authorized representative) as follows:

I certify that this payroll is true and correct, and that the persons named hereon have performed the services for the period stated.

_____
Master (or his authorized representative)

(4) In instances where vessels are under foreign articles the payroll shall bear proper evidence of having been paid off before a United States Shipping Commissioner or an American Consul.

(5) The slop chest account shall be certified by the master as follows:

I hereby certify that the above is a true statement of all Slop Chest transactions on this vessel and voyage.

_____
Master (or his authorized representative)

(6) A similar certification shall be made by the Chief Steward (or his authorized representative) covering bar transactions (if any).

(c) *Certification by branch house or sub-agent where agent does not handle transactions directly.* The certification of the branch house or sub-agent must be shown on the original invoice (if rendered singly) or on the summary disbursement statement (if rendered in groups) in the following manner:

(1) *On single invoices.*

I certify that the prices charged are reasonable and correct.

_____
Branch house or sub-agent

By: _____
Name *Title*

(2) *On the summary statement.*

I certify that the prices charged per invoices detailed above are reasonable and correct.

_____
Branch house or sub-agent

By: _____
Name *Title*

SEC. 9. *Maintenance of documents.* The agent shall maintain the originals of all documents at his principal office. All documents originating at other domestic ports and at foreign ports shall be transmitted as currently as possible to the principal office of the agent. The agent shall in all cases perform his

audit and review functions promptly and shall be in a position to supply complete documentation for a current audit by representatives of the owner. The agent shall maintain to the maximum extent possible a complete and orderly file of all authorizations for facilities, services and supplies, and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the agency agreement.

SEC. 10. *Lost documents.* In the event of the loss of documents, photostat, carbon, or other suitable copies may be substituted therefor, in which event the following certification shall be placed on such copies:

I certify that, to the best of my knowledge and belief, this is a true copy of an original that has been lost.

Branch house or sub-agent
By: ---
Name *Title*

REPORTS AND AUDIT

SEC. 11. *Reports to the owner.* The agent shall submit to the local District Comptroller of the owner, in triplicate, not later than 20 days after the end of each month, its general ledger trial balance and such schedules and support thereof as may be required. The agent shall also submit to the owner, in original and four copies, not later than 10 days after the end of each month a statement in the form and content to be prescribed reflecting cash receipts and cash disbursements for the preceding month and cumulative totals for the year to date; the original and one copy will be transmitted to the local District Comptroller and three copies will be transmitted to the Comptroller, Maritime Administration, Washington.

SEC. 12. *Audit.* (a) The owner will audit as currently as possible subsequent to audit by the agent, all documents relating to the activities, maintenance and business of the vessels assigned under agency agreements.

(b) The agent shall maintain all documents in his principal office, for the time being in accordance with his customary practice of filing.

(c) Subsequent to audit by the owner, at such intervals as may be determined, the owner will authorize entries to be made to revenue and expense accounts and to accounts reflecting relations between the owner and the agent.

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-4023; Filed, Apr. 2, 1951; 8:56 a. m.]

[NSA Order No. 3 (AGE-2)]

NSA 3—(AGE-2)—GENERAL AGENTS, AGENT, AND BERTH AGENTS

APPLICATIONS FOR SERVICE AGREEMENTS

Whereas, the United States acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (hereinafter called "Director"), will from time to time authorize the execution of Service Agreements with certain general agents, agents, and berth agents to manage and/or conduct the business of vessels of which the United States is owner or owner pro hac vice and

Whereas, the Director has determined that applicants for such service agreements should meet certain qualifications to assure the most effective utilization of the vessels and performance of the duties by the general agent, agent, or berth under said agreements: *It is therefore ordered,* That:

Sec.
1. Acceptance of applications.
2. General considerations.
3. Financial qualifications.
4. Surety bond.
5. Execution of application.
6. Form of application.

AUTHORITY: Sections 1 to 6 issued under 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *Acceptance of applications.* The Director will accept applications for the appointment of general agents, agents and berth agents for the performance of the duties contained therein.

SEC. 2. *General considerations.* In determining whether to approve the application, the Director will take into consideration the applicant's financial resources, credit standing, ownership of vessels, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving the responsibilities of an agent as contained in said agreement; and the Director will not enter into such agreements with any applicant applying who lacks sufficient capital, credit, and experience to fulfill the terms of said agreement. If the application is rejected by the Director, the applicant will be so advised.

SEC. 3. *Financial qualifications.* (a) For the purposes of the financial qualifications it will be necessary for a general agent or a berth agent to have a minimum working capital of $50,000 and a minimum net worth of $300,000.

(b) The financial requirements of an agent will be covered in a supplement to this order.

SEC. 4. *Surety bond.* Each general agent and berth agent shall be required to furnish surety bond pursuant to Article 3 (f) of the general agency agreement in an amount deemed by the Director to be adequate to protect the interests of the owner but in no event less than $50,000.

SEC. 5. *Execution of application.* (a) Any citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act of 1936, as amended, may apply to the Director to act as general agent, agent or berth agent. The application to receive consideration should be substantially in the form indicated in this order (section 6). One (1) executed copy and five (5) conformed copies of the application should be filed with the Director, National Shipping Authority, Maritime Administration, Department of Commerce, Washington 25, D. C.

(b) Each application should contain sufficient information to enable the Director to make all necessary determinations as to the qualifications of the applicant, including those as to citizenship, ability, experience, and financial resources.

(c) If any information called for by the application is not furnished, an explanation of the omission should be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire in addition to that specified in the form.

SEC. 6. *Form of application.* The form of application should be substantially as follows:

APPLICATION
FOR APPOINTMENT AS GENERAL AGENT, AGENT AND/OR BERTH AGENT OF THE
NATIONAL SHIPPING AUTHORITY
MARITIME ADMINISTRATION
DEPARTMENT OF COMMERCE

Filed by

A citizen of

The undersigned hereby applies for appointment as:

*(1) General Agent ☐
*(2) Agent ☐
*(3) Berth Agent ☐

of the National Shipping Authority, in accordance with the provisions of NSA Order No. 1 (AGE-1) (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations (approved by the Director), after the date of publication of such amendment or modification shall be binding in all transactions.

In order to induce the Director to act favorably upon this application, the applicant submits in support thereof the following information:

A. As to the applicant: its citizenship and affiliations.

1. Exact name.
2. Form or type of organization.
3. State or other soverign power under the laws of which organized.
4. Address of principal executive offices.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding ten years. If within such period the applicant has acquired the business of any other person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature of the business transacted during the past ten years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
7. The following information with respect to each officer and director of the applicant:

Name and address.
Office.
Nationality.
Capital shares owned.

---

*Indicate service or services for which application is made.

A brief description should be submitted of the principal business activities during the past ten years of each officer and director, name and title of each other principal supervisory shoreside official with statement of the responsibility and experience, and number of employees in each department including but not limited to operating manager, port captain, port engineer, port steward, traffic manager, purchasing agent, principal accountant, and treasurer. If applicant has more than one class of stock, the information requested should be furnished for each class of stock.

8. Applicant represents that it is a citizen of _____. If applicant claims United States citizenship, submit three affidavits of United States citizenship in form prescribed by the Maritime Administration, Department of Commerce, as follows:

AFFIDAVIT OF CITIZENSHIP

State of_____
County of_____, ss:

I, _____, being duly sworn, depose and say that I am the _____, of _____, (Title of officer) (Exact name of applicant) and that said corporation is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended (U. S. C. Title 46, Sec. 802), and Section 905 (c) of the Merchant Marine Act, 1936, as amended.

_____

Subscribed and sworn to before me, a Notory Public in and for the State and County above named, this _____ day of _____, 19____.

_____ (Notary seal)

My commission expires _____.

In all cases the Director reserves the right to require such additional information with regard to citizenship as may be deemed necessary to determine the eligibility of applicant.

B. *As to the management of the applicant.*

9. The name and address of each other organization engaged in shipping activities with which any person named in answer to item 7 has any present substantial business connection, the name of such person, and, briefly, the nature of such connection.

10. The name and address of any person, firm or corporation, who is now acting or within the past five years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto.

C. *As to the vessels.*

11. Applicant offers to act as General Agent, Agent, or Berth Agent of vessels of the type and number indicated herein:

Type	Number
(1) Dry Cargo	
(2) Passenger type	
(3) Tanker	
(4) *Other	

*Specify.

D. *As to Berth Agency qualifications.*

12. Full details concerning the services, routes, or lines, on which United States flag vessels owned or chartered by the applicant were operated on June 25, 1950, including ports of call, volume and kind of cargo, terminal and dock facilities at all such ports, frequency of sailings per year, period of such berth operations, description of services and voyages, and names of vessels segregated according to services, routes, or lines.

E. *Terms and conditions of agreement.*

13. If the application is approved by the Director, the applicant agrees to execute a Service Agreement in such form as the Director may prescribe.

F. *Supplemental information.*

14. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.

15. A list of vessels owned by the applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) bale capacity; (f) year built; (g) type; (h) speed; (i) draft; (j) registry; and (k) identification of route or service on which operated.

16. Information similar to that specified in item 15 as to any vessels owned by others which are chartered to or operated by the applicant.

17. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.

18. List branch office and agents in foreign and domestic ports (who would act as sub-agents under the Service Agreements).

G. *As to exhibits furnished.*

19. A list of exhibits, properly identified, which should include at the time of original filing, the following:

Exhibit I—Two copies of the certificate of incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.

Exhibit II—Two copies of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.

Exhibit III—Two copies of (1) a balance sheet as of a date within six months of the date of filing the application with the Director, (2) a brief statement in duplicate of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements in duplicate for the three fiscal years preceding the date of such balance sheet. If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.

_____
(Name of applicant)

By: _____

[Corporate seal]

Attest:

_____
(Secretary)

_____
(Date)

C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-4022; Filed, Apr. 2, 1951; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1788]

PART 193—COAL LEASES, PERMITS, AND LICENSES

This part is hereby completely revised as follows, effective 60 days after date of issuance hereof by the Secretary of the Interior:

GENERAL

Sec.
193.1 Statutory authority.
193.2 Area and limitations on holdings.
193.3 Qualifications of applicants.
193.4 Equitable rights; holders of leases or permits affecting certain lands or coal deposits in Oklahoma.
193.5 Permits, leases and licenses for lands disposed of with reservation of coal.
193.6 Requirements when lands are within a withdrawal.

COAL LEASES

193.7 Leasing units.
193.8 Form of lease.
193.9 Minimum expenditure and lease bond.
193.10 Minimum production.
193.11 Application for lease.
193.12 Offer of lands or deposits for lease by competitive bidding.
193.13 Notice of lease offer.
193.14 Sale; bidding requirement; action by successful bidder.
193.15 Modification and leasing of additional land or coal deposits.
193.16 Readjustment of terms and conditions at end of twenty-year periods.
193.17 Relinquishment of lease.
193.18 Cancellation of lease.

COAL PROSPECTING PERMITS

193.19 Character of lands.
193.20 Rights conferred.
193.21 Application for permit.
193.22 Permit bond.
193.23 Extension of permits.
193.24 Reward for discovery.

TRANSFERS OF PERMITS AND LEASES: OVERRIDING ROYALTIES

193.25 Transfers, including subleases.
193.26 Limitation on overriding royalties.

LIMITED COAL LICENSES

193.27 Purpose of license.
193.28 Area and duration.
193.29 Application for license.
193.30 Licenses to relief agencies.

AUTHORITY: §§ 193.1 to 193.29 issued under sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301; 30 U. S. C. 189, 271. Interpret or apply sec. 5, 44 Stat. 1058, as amended; 30 U. S. C. 285.

CROSS REFERENCE: For coal permits and leases in Alaska see Part 70 of this chapter.

GENERAL

§ 193.1 *Statutory authority.* Sections 2 to 8, inclusive, of the act of February 25, 1920 (41 Stat. 438 et seq., 30 U. S. C. 201, 202–208), as amended, authorize the Secretary of the Interior to:

(a) Divide into leasing units and award leases of coal lands and coal deposits owned by the United States, outside of Alaska:

(b) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits; and

(c) Issue limited licenses or permits to prospect for, mine and take for use coal from public lands.

§ 193.2 *Area and limitation on holdings.* A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form, if good reasons appear for not including a contiguous area. A lease will comprise contiguous tracts, except in cases where it appears that noncontiguous tracts can be practically worked as a single mine or unit. No person, association or corporation, except as in the act provided, may hold at any one time more than 5,120 acres in any one State, whether

directly through the ownership of coal leases and permits or interests in such leases and permits, or indirectly as a member of an association or associations, or as a stockholder of a corporation, or corporations, holding such leases and permits or interests therein or both.

§ 193.3 *Qualifications of applicants.* (a) Leases and prospecting permits may be issued to citizens of the United States, associations of citizens, and corporations organized under the laws of the United States or any State or Territory thereof, including a company or corporation operating a common-carrier railroad, and to municipalities. Limited licenses or permits for the mining of coal may be issued to citizens, associations of citizens and municipalities.

(b) Every applicant for coal permit or lease, other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 5,120 acres in any one State.

(c) Every company or corporation operating a common-carrier railroad must make a statement that it needs the coal for which it seeks a permit or lease for its own use for railroad purposes; that it operates main or branch lines in the State in which the lands involved are located; that the aggregate acreage in the permits, leases and applications therefor in which it is interested directly or indirectly does not exceed 10,240 acres; and that it does not hold more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

(d) Every applicant for lease or permit must also furnish a showing as to the need for additional coal production which cannot otherwise be reasonably met, or, if such a showing of need cannot be made, a statement of the reasons why a lease or permit is desired.

§ 193.4 *Equitable rights; holders of leases or permits affecting certain lands or coal deposits in Oklahoma.* (a) Equitable rights of persons who, prior to February 25, 1920, occupied and improved or claimed coal lands in good faith may be recognized in awarding leases of such lands. In the case of an award of a lease to such a person the rents and royalties will be established at rates not less than the minimum provided for leases under the act.

(b) A holder of a lease or permit, including a lease under temporary extensions, outstanding on May 24, 1949, covering certain coal lands or coal deposits in Oklahoma which the Choctaw and Chickasaw Nations agreed to convey to the United States in a contract ratified by the act of June 24, 1948 (62 Stat. 596), who has maintained or acted diligently to maintain the lease or permit in good standing, may obtain a lease for the same lands or deposits without competitive bidding, provided that he files an application for a lease under this part prior to the expiration date of the current lease.

§ 193.5 *Permits, leases and licenses for lands disposed of with reservation of coal.* Where lands included in a permit, lease or license have been or may be disposed of with reservation of the coal deposits, a permittee, lessee or licensee must make full compliance with the law under which such reservation was made. See the acts of March 3, 1909 (35 Stat. 844; 30 U. S. C. 81); June 22, 1910 (36 Stat. 383; 30 U. S. C. 83–85); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291–301); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U. S. C. Sup. III, 54), and other laws authorizing such reservations.

§ 193.6 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for coal lease, permit or license is within a withdrawal which does not preclude disposition of the coal deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a coal lease, permit or license. In cases where such agency recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, an appropriate stipulation will be included in the lease, permit or license.

COAL LEASES

§ 193.7 *Leasing units.* (a) No coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be established either upon application or when it is deemed advisable that additional coal units be established.

(b) All material factors, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

(c) Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

§ 193.8 *Form of lease.* Leases shall be issued on Form 4–696.

§ 193.9 *Minimum expenditure and lease bond.* (a) An actual bona fide expenditure for mine operation, development, or improvement purposes, on or for the benefit of the leased land, of the amount that may be determined will be a condition in each lease as the minimum basis on which it will be granted, with the requirement that not less than one-third of such expenditure shall be made during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

(b) Prior to the issuance of a lease, the lessee shall furnish a bond executed by the lessee with approved corporate surety on Form 4–1113, or the lessee's personal bond on Form 4–1114, in such sum as may be required but in no event less than $1,000, and conditioned upon compliance with all of the terms and provisions of the lease. Personal bonds must be accompanied by a deposit of securities such as specified in § 193.22. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.14 of this chapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Director, Bureau of Land Management, deems it proper to do so.

§ 193.10 *Minimum production.* Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the fourth year of the lease, except when operation is interrupted by strikes, the elements, or casualties not attributable to the lessee, unless, on application and showing made, operations shall be suspended when market conditions are such that the lease cannot be operated except at a loss or for the other reasons specified in section 39 of the act.[1] Operations under the lease shall be continuous except in the circumstances described or unless the lessee shall pay a royalty, less rent, on the minimum production for one year in advance, in which case operations may be suspended for that year.

§ 193.11 *Application for lease.* (a) An application for a lease must be filed in duplicate in the proper land office or, for lands or deposits in States in which there is no land office, in the Bureau of Land Management, Washington 25, D. C. No specific form is required, but the application should cover the following points:

(1) The applicant's name and address.

(2) A statement as to citizenship: In case of an individual, whether native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate, if known; if a woman, whether she is married or single; if married, the facts as to the citizenship of her husband, and the date of her marriage if both are not native born citizens. Associations are required to file a certified copy of their articles of association and the same showing as to the citizenship and holdings of their members as required of an individual and specified herein. A corporation is required to file a certified copy of its articles of incorporation, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock which is owned or controlled by or on behalf of persons whom the corporation

[1] See showing required under § 191.26 of this chapter.

knows to be or who the corporation has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 per cent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. If any appreciable percentage of the stock of the corporation is held by aliens of the excepted class, its application will be denied. If 20 per cent or more of the stock of any class is owned or controlled by or on behalf of any one stockholder, a separate showing of his citizenship and holdings must be furnished. A municipality must submit evidence of: (i) The law, charter and procedure taken by which it became and exists as a legal body corporate; (ii) that the taking of a permit or lease is authorized under such law or charter; and (iii) that the action proposed has been duly authorized by the governing body of such municipality.

(3) A statement of the interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and that such interests, when added to the acreage covered by the application, do not exceed in the aggregate 5,120 acres in the State. A railroad company or corporation operating a common carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

(4) Description of the lands for which a lease is desired by legal subdivisions or, if unsurveyed, by metes and bounds connected with a corner of the public surveys by course and distance and where possible, description of the lands by the approximate subdivisions of the future survey.

(5) The showing specified in §193.3 (d).

(6) A statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities and the character and extent of the coal deposits so far as known.

(7) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(b) The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement [2] as to citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[2] 18 U. S. C. 1001 makes it a crime for any person knowingly and wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

§ 193.12 *Offer of lands or deposits for lease by competitive bidding.* If the lands or deposits are found to constitute an acceptable leasing unit and subject to coal lease, they will be offered for such lease on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bidding as provided in the notice of sale. If it be found that the area covered by an application does not constitute an acceptable leasing unit, the area may be adjusted, by appropriate additions and eliminations, to constitute an acceptable leasing unit which may be offered for lease.

§ 193.13 *Notice of lease offer.* Notice under the preceding section of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will be published at the expense of the Government. A copy of the notice will be posted in the proper land office during the period of publication. Such notice will show the day, hour, and place of sale, whether the sale will be at public auction or by sealed bids, the method of submitting sealed bids, the rental and rate of royalty to be charged, the minimum investment and the minimum production requirement, and the description of the land. If the sale is by public auction, the offer will be made at the land office for the district in which the lands are situated, or at such other place as may be fixed in the notice. In such case the notice will also specify that sealed bids may be submitted which will be opened and read at the time and place specified for the auction. The right is reserved by the Director, Bureau of Land Management, in the public interest, to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. All bidders at any public sale of leases are warned against committing any act of intimidation, combination or unfair management to hinder or prevent bidding thereon, in violation of 18 U. S. C. 1860.

§ 193.14 *Sale; bidding requirements; action by successful bidder.* Before bidding is commenced by those persons present, the manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of sale. The successful bidder must on the day of sale deposit with the manager of the land office or other officer conducting the sale and each sealed bid must be accompanied by the following: Certified check, money order, or cash, for one-fifth of the amount bid and evidence of qualifications of the bidder as prescribed in § 193.11 (a) (2) and (3) and (b), if a current showing in that regard has not been filed in connection with the application for lease of the lands or deposits. If the land is surveyed, the successful bidder will be allowed 30 days from receipt of lease forms within which (a) to file in the proper land office a lease, duly executed by him in quintuplicate, on form 4–696, and the bond required by § 193.9, and (b) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with requirements of paragraphs (a) and (b) in this section until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder fails to comply after due service of notice, that portion of his deposit representing the minimum required to be deposited with the bid shall be held as liquidated damages and disposed of as other receipts under the Mineral Leasing Act.

§ 193.15 *Modifications and leasing of additional land or coal deposits.* (a) Under section 3 of the act (30 U. S. C. 203), a lessee may obtain a modification of his lease to include coal lands on coal deposits contiguous to those embraced in his lease if the Director determines that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 2560 acres, except where the rule of approximation applies. The lessee shall file his application for modification in duplicate in the proper land office describing the additional lands desired, the needs and reasons for and the advantage to the lessee of such modification. No filing fee is required. Upon determination by the Director that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 193.13.

(b) Under section 4 of the act (30 U. S. C. 204), upon satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within three years thereafter, an additional tract of land or coal deposit may be leased. Application shall be filed in duplicate in the proper land office and shall contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserve and for any lands requested and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit they will be offered for leasing as provided in § 193.13. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease which must not exceed 2560 acres; otherwise, a separate lease may be issued.

(c) Before a lease is modified under paragraph (a) or (b) of this section, the lessee shall file the consent of surety and the acceptance by the lessee of the applicable regulations.

§ 193.16 *Readjustment of terms and conditions at end of twenty-year periods.* The terms and conditions of a lease are subject to readjustment at the end of each twenty-year period succeeding the date of the lease unless otherwise provided by law at the time of the expiration of such periods. The lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Unless the lessee files objection to the proposed terms or a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such terms. Notice of the proposed readjustments will be given, whenever feasible, before the expiration of each such twenty-year period.

§ 193.17 *Relinquishment of lease.* Upon payment of all rentals, royalties and other debts due and payable to the lessor and upon payment of all wages or money due and payable to the workmen employed by the lessee, and upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease. The lessee may also surrender any legal subdivision of the area included within the lease, but in no case shall such lease be so terminated in whole or in part until and unless the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered thereby in accordance with the regulations and terms of the lease. A surrender must be by a relinquishment filed in triplicate in the proper land office. A relinquishment upon its acceptance shall take effect as of the date it is filed.

§ 193.18 *Cancellation of lease.* If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 193.16, or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default shall continue for 30 days after service of written notice thereof by the lessor, than the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

COAL PROSPECTING PERMITS

§ 193.19 *Character of lands.* Permits shall be issued on Form 4–694 for a period of two years to qualified applicants to prospect unclaimed, undeveloped lands where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

§ 193.20 *Rights conferred.* A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary in order to determine the workability and commercial value of the coal deposits in the land.

§ 193.21 *Application for permit.* An application for a permit must be filed in duplicate in the manner and in the office specified in § 193.11. Each application must be accompanied by a filing fee of $10.00 which will be retained as a service charge even though the application should be rejected or withdrawn either in whole or in part. No specific form of application is required, but in addition to the requirements of § 193.11 (a) (1), (2), (3), (4) and (5) and (b), it should cover the following points:

(a) Condition of coal occurrences, so far as determined; description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal.

(b) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

(c) Brief statement of applicant's experience in coal-mining operations, if any, together with one or more references as to his reputation and business standing.

§ 193.22 *Permit bond.* The applicant must furnish a corporate surety bond on Form 4–1130 or his personal bond on Form 4–1131 conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in the sum of $500 except where the lands applied for have been entered or patented with the coal reserved to the United States pursuant to the act of June 22, 1910 (36 Stat. 583, 30 U. S. C. 83–85), in which event, a bond on the same form in the sum of $1,000 will be required. Personal bonds must be accompanied by a deposit of negotiable Federal securities equal at their par value to the amount of the bond. The bond may be filed with the application which will expedite action thereon, or within 30 days after receipt of notice by the applicant that the permit will be granted when the bond is filed. The permittee may, in place of a bond of the two types specified above, submit one on Form 4–1130 with two qualified sureties as provided in § 191.14 of this chapter.

§ 193.23 *Extension of permits.* (a) Coal permits may be extended for a period of two years if the permittee has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or for others reasons which may warrant an extension. An application for extension must be filed in duplicate only within the period beginning 90 days prior to the date to which the permit is limited. The application must be filed in the office specified in § 193.11 and must show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated, if possible, by a statement of at least one disinterested person having actual knowledge of the facts. The application must also show how much additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not exceeding the two years authorized, as may be determined to be allowable under the circumstances in each particular case. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee and upon notation of such expiration in the land office tract books, the lands will become subject to new applications for coal permits or leases.

(b) Until the cancellation or termination of a coal permit is noted on the records of the land office or on the records of the Bureau of Land Management if the lands involved are in a State in which there is no land office, no other person will be permitted to gain any right to the same class of deposits by the filing of an application therefor, and such application shall be rejected.

§ 193.24 *Reward for discovery.* A permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in a reasonably compact form. An application for preference right lease must be filed in duplicate in the office specified in § 193.11 promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be 25 cents for each acre or fraction thereof. The lease, if issued, will be in accordance with the provisions of §§ 193.8 to 193.10, inclusive, and will be dated the first day of the month following the date the application is filed unless the applicant requests that it be dated the first day of the month within which it is filed. If the permit expires and the application for lease is finally rejected royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

TRANSFERS OF PERMITS AND LEASES: OVERRIDING ROYALTIES

§ 193.25 *Transfers, including subleases.* (a) Permits and leases may be

transferred, in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease which will be given a current serial number, but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval at the office specified in § 193.11 within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 193.11 (a) (2) and (3) and (b). If the instrument fails to describe the true consideration, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final approval by the Director, Bureau of Land Management, or if the transferee requests, the first day of the month of the approval.

(b) The transferor of a permit or lease, including a sublease, and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval the transferee, including sublessee, and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the transfer to the contrary. The account under the permit or lease must be in good standing before approval of a transfer will be given.

§ 193.26 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, permit, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Director, Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

LIMITED COAL LICENSES

§ 193.27 *Purpose of license.* Coal licenses may be issued for a period of two years to individuals and associations of individuals to mine and take coal for their own local domestic need for fuel, but in no case for barter or sale, without the payment of any rent or royalty. Licenses may be issued to municipalities to mine and dispose of coal without profit to their residents for household use. Under such a license a municipality may not mine coal either for its own use or for nonhousehold use such as for factories, stores, other business establishments and heating and lighting plants.

§ 193.28 *Area and duration.* (a) A license to an individual or association, in the absence of unusual conditions or necessity, will be limited as to area to a legal subdivision of 40 acres or less and may be revoked at any time. Such license will expire by limitation at the end of 2 years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the 2-year period.

(b) Licenses to municipalities are limited as to area by the act, as follows: Not to exceed 320 acres for a municipality of less than 100,000 population, not to exceed 1,280 acres for a municipality of not less than 100,000, and not more than 150,000 population, and not to exceed 2,560 acres for a municipality of 150,000 population or more. Licenses to municipalities will expire by limitation at the end of 4 years from date of issuance, unless renewed; but every such licensee must make to the Director, Bureau of Land Management, an annual report of all operations conducted under such license.

§ 193.29 *Application for license.* Application for a limited license to mine coal for domestic needs must be filed, in quadruplicate, on Form 4–694a, or its substantial equivalent in the office specified in § 193.11 and be accompanied by a $10 filing fee. A municipality must file with the application a showing of (a) the law or charter and procedure taken by which it became and exists a legal body corporate, (b) that the taking of a license is authorized under such law or charter and (c) that the proposed action has been duly authorized by the governing body of the municipality.

§ 193.30 *Licenses to relief agencies.* (a) The Director, Bureau of Land Management, may grant authority to a recognized established relief agency of any State, upon its request, to take government-owned coal deposits within the State in localities where needed to supply families on the rolls of such agency who require coal for fuel for their homes and who are unable to pay for same.

(b) Tracts shall be selected at points convenient to supply the families in the locality thereof, and each family shall be restricted to the amount of coal actually needed for its use, which in no case shall exceed 20 tons annually.

(c) Coal may be taken from such tracts only by those given written authority by the relief agency, and all mining shall be done pursuant to permission and all Federal and State laws and regulations for the safety of miners, prevention of fires and of waste, etc., shall be observed. The relief agency shall see that the premises are left in a safe condition for future mining operations.

(d) The local relief agency may take coal from available land prior to issuance of license but not earlier than 5 days after it has filed in the land office of the district wherein the land is situated an application for license. No filing fee will be required. In the absence of objections and if the application is otherwise regular, a license will be granted. Pending action on the application for license, the relief agency may continue to take the coal.

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 27, 1951.

[F. R. Doc. 51–3927; Filed, Apr. 2, 1951; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 708]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER 6050 OF FEBRUARY 27, 1933, RESERVING LANDS FOR USE AS A SITE FOR AN ARMY RADIO RECEIVING STATION

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6050 of February 27, 1933, reserving two parcels of land for use as a site for the Army radio receiving station at Juneau, Alaska, is hereby revoked so far as it affects the parcel of land described in such order as follows:

PARCEL TWO

Beginning at corner No. 4 of lot B, Mile 7 Group Homesites, in the northerly right-of-way line of Glacier Highway (66 feet wide), said corner being marked by a hemlock post 5 feet long and 4½ inches in diameter, squared to 3½ inches, set 2 feet in ground and marked "HS–4A" on east face and "B" on west face, and referenced by a hemlock tree 7 inches in diameter marked "WHS 4", and a hemlock tree 16 inches in diameter marked "WHS 4", bearing N. 35° W., 20 links, and N. 63½° E., 39 links, respectively, from initial corner post;

Thence from said initial point by metes and bounds;

N. 89°50′ W., 250 feet, along said northerly right-of-way line of Glacier Highway, to a point;

Due north, 150.0 feet, through lot "B" to a point;

S. 89°50′ E., 250.0 feet, through lot "B" to a point in the dividing line between lots "A" and "B" of said Mile 7 Group Homesites;

Due south, 150.0 feet, along said dividing line to place of beginning.

The parcel as described contains an area of 0.86 acres, more or less.

The land above described shall revert to its previous status as a part of the Tongass National Forest but shall not be subject to disposition of any kind prior to 10:00 a. m., on the 35th day after the date of this order. At that time it shall become subject to such disposition as

may by law be made of national forest lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 27, 1951.

[F. R. Doc. 51-3928; Filed, Apr. 2, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 3]

PART 95—CAR SERVICE

INCLUSION OF SATURDAYS AND SUNDAYS COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 856 (15 F. R. 5049, 5050, 4916), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars* of Service Order 856 be and it is hereby suspended until 7:00 a. m., May 1, 1951, only to the extent it applies to the free time on cars loaded with import, coastwise or intercoastal traffic at ports, and to the free time on unloading box cars containing export, coastwise or intercoastal traffic at ports.

It is further ordered, that this amendment shall become effective at 7:00 a. m., April 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3945; Filed, Apr. 2, 1951; 8:48 a. m.]

[S. O. 865, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800, 16 F. R. 320, 819, 1131, 2040), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended. 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3946; Filed, Apr. 2, 1951; 8:49 a. m.]

[Rev. S. O. 866]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

It appearing, that an acute shortage of freight cars exists in all sections of the country; that such shortage is further aggravated by the needs of National Defense; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient and to promote the most efficient utilization of cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country to promote car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.866 *Railroad operating regulations for freight car movement.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) *Placing loaded cars at final destination for unloading.* Loaded cars, which after placement will be governed by demurrage tariff rules applicable to detention of cars awaiting unloading, shall be placed on carrier's or consignee's unloading tracks within twenty-four hours after the first 7:00 a. m., following arrival at the destination station or serving yard.

(2) *Placing loaded cars held for terminal services.* Loaded cars held at billed destination for accessorial terminal services described in the applicable demurrage tariff, such as holding for orders or inspection, shall be placed on carrier's or consignee's unloading tracks within twenty-four hours after disposition orders to place cars for unloading are actually received by the railroad. Carrier records shall show date and time such orders to place cars for unloading are received.

(3) *Constructive placement of loaded cars.* When delivery of a car for unloading cannot be made because of any condition attributable to the consignee, written notice that car is held and that the railroad is unable to deliver shall be sent or given consignees within twenty-four hours after arrival of car at hold point.

(4) *Removal of cars after unloading.* Where switching service is performed more than four days a week, remove empty cars from point of unloading or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following unloading or release by consignee, unless such cars are ordered or appropriated by the shipper for reloading within such twenty-four hour period.

(5) *Transporting loaded cars.* Where switching service is performed more than four days a week, all outbound loaded freight cars shall be pulled from loading place or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following acceptance by the carrier of the shipping order. Such cars shall be forwarded in line haul service within twenty-four hours after the first 7:00 a. m. following their receipt in outbound makeup or classification yards.

(6) *Restriction on holding cars for prospective loading.* Except cars assembled for peak or seasonal movements and special types of cars for specific types of loading, hold no more cars for prospective loading at any time, for any industry which it serves, than those needed to protect current outbound loading.

(7) *Repair tracks.* Repair any cars taken out of service for repairs, or carded for repairs, at the earliest time consistent with efficient railroad operating practices.

(8) *Special car orders.* Observe, obey and comply with special car orders now outstanding, issued by W. C. Kendall, former Chairman, or Arthur H. Gass, Chairman, Car Service Division, Association of American Railroads, and said Chairman, Arthur H. Gass, is hereby appointed Agent of the Commission with directions and authority to issue such orders as he may find necessary with respect to the location, relocation and distribution of freight cars as between sections of the country, or carriers by railroads or on such carriers, throughout the United States.

(9) *Yard checks, supervision, and records.* Make the necessary yard and track checks and maintain sufficient supervision and records to enable carriers to comply with subparagraphs (1) to (8) of this paragraph.

(b) Application: (1) The provisions of this section shall apply to intrastate and interstate commerce.

(2) The provisions of this section shall not apply to freight cars containing property held at or short of ports awaiting transfer of the property from the cars to vessels for movement beyond by water, nor to empty cars held at ports for transfer of property from vessels to such cars.

(3) When computing the periods of time provided in this section, exclude Sundays and such holidays as are listed in Item No. 7, Agent L. C. Schuldt's Demurrage Tariff I. C. C. 4257 or reissues thereof, only when they occur within the said periods of time, but not after.

(c) Regulations suspended; announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) Effective date: This section shall become effective at 7:00 a. m., April 1, 1951.

(e) Expiration date: This section shall expire at 7:00 a. m., December 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Service Order No. 866, and that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and all other carriers by railroad; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3947; Filed, Apr. 2, 1951; 8:49 a. m.]

[Rev. S. O. 867, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars*, of Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3948; Filed, Apr. 2, 1951; 8:49 a. m.]

[S. O. 868, Amdt. 1]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 868 (15 F. R. 6314, 6452, 6671), and good cause appearing therefor: It is ordered, that:

Section 95.868 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 868 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3949; Filed, Apr. 2, 1951; 8:49 a. m.]

[Corrected S. O. 870, Amdt. 1]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March, A. D. 1951.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports*, of Service Order No. 870 be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3950; Filed, Apr. 2, 1951; 8:49 a. m.]

[Corrected S. O. 871, Amdt. 1]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports*, of Service Order No. 871 be, and it is hereby further amended

by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3951; Filed, Apr. 2, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2591, Amdt. 3]

PETROLEUM ADMINISTRATION FOR DEFENSE

ORGANIZATION AND FUNCTIONS

MARCH 27, 1951.

1. Section 1 of Order No. 2591 as amended is hereby further amended to read as follows:

SECTION 1. *Purpose.* The purpose of this order is to establish the Petroleum Administration for Defense and the organization necessary to carry out the functions with respect to petroleum and gas delegated to or vested in the Secretary of the Interior by Executive Order No. 10161 as amended, by such delegations or redelegations as may have been made or may hereafter be made by the Defense Production Administrator pursuant to Executive Order No. 10200, and by such delegations or redelegations as may have been made or may hereafter be made by any other officer of the Government having functions under the Defense Production Act of 1950.

2. The first sentence of section 3 of Order No. 2591 as amended is hereby further amended to read as follows:

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, all of the functions and powers delegated to the Secretary of the Interior by Executive Order No. 10161 as amended, by delegations or redelegations heretofore or hereafter made by the Defense Production Administrator pursuant to Executive Order No. 10200, and by such delegations or redelegations as may have been made or may hereafter be made by any other officer of the Government having functions under the Defense Production Act of 1950 are hereby delegated to and may be performed by the Deputy Administrator insofar as these functions and powers relate to petroleum and gas. * * *

3. Paragraph (n) of section 3 of Order No. 2591 as amended is hereby further amended to read as follows:

SEC. 3. *Delegation of authority.* * * *

(n) The power to redelegate to any official of the Petroleum Administration for Defense or any other appropriate Government official any of the powers or authority delegated to him by this order.

* * * * *

[SEAL] OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 51-3929; Filed, Apr. 2, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-231]

ACCIDENT OCCURRING AT PHOENIX, ARIZONA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-91202, which occurred at Phoenix, Arizona, on March 19, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 4, 1951, at 9:00 a. m. (local time) in Room 4, Post Office Building, 1248 Fifth Street, Santa Monica, California.

Dated at Washington, D. C., March 28, 1951.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 51-3958; Filed, Apr. 2, 1951; 8:51 a. m.]

[Docket No. SA-230]

ACCIDENT OCCURRING AT ST. PAUL-MINNEAPOLIS INTERNATIONAL AIRPORT, MINNEAPOLIS, MINN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-95426, which occurred at St. Paul-Minneapolis International Airport, Minneapolis, Minnesota, on March 18, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 4, at 9:00 a. m. (local time), in Room 125, City Hall, Fifth Street between Third and Fourth Avenue, Minneapolis, Minnesota.

Dated at Washington, D. C., March 29, 1951.

[SEAL] VAN R. O'BRIEN, *Presiding Officer.*

[F. R. Doc. 51-4001; Filed, Apr. 2, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1065, G-1517]

EAST TENNESSEE NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 27, 1951.

On August 17, 1950, East Tennessee Natural Gas Company (Petitioner or Applicant), a Tennessee corporation with offices in the Hamilton National Bank Building, Chattanooga, Tennessee, filed in Docket No. G-1065 a petition further to amend the Commission's order dated May 3, 1949, issuing a certificate of public convenience and necessity (amended by the Commission's order dated November 15, 1949) authorizing the construction and operation of the approximately 172-mile Greenbrier-Oak Ridge 22-inch diameter natural gas pipe line for the transportation and sale of not to exceed 60,000 Mcf of natural gas per day to the Atomic Energy Commission at Oak Ridge, Tennessee, and for use, in conjunction with the natural gas pipeline facilities authorized by the certificates issued to East Tennessee Natural Gas Company in Docket Nos. G-889 and G-1272, for transporting the natural gas necessary to render the service authorized in the said Docket Nos. G-889 and G-1272.

By the petition for further amendment of the G-1065 certificate order, Petitioner seeks authorization to transport and sell to the Atomic Energy Commission at Oak Ridge, in addition to the 60,000 Mcf per day previously authorized, additional volumes of natural gas not to exceed 16,900 Mcf per day for a period extending to June 30, 1952, and subsequent to that date, additional volumes of natural gas, on an interruptible basis, in such volumes as the Atomic Energy Commission may require and Petitioner is willing and able to deliver.

Copies of the petition filed on August 17, 1950, were served on September 5, 1950, on all parties of record in the proceeding in Docket No. G-1065, affording all such parties an opportunity for filing

answers to the petition. Answers were filed by Tennessee Gas Transmission Company, Watauga Valley Gas Company, Kingsport (Tennessee) Chamber of Commerce, Railway Labor Executives Association, National Coal Association and United Mine Workers of America.

On October 20, 1950, East Tennessee Natural Gas Company filed in Docket No. G–1517 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, subject to the jurisdiction of the Commission, for the delivery and sale of natural gas to the Cities of Cooksville, Gallatin and Harriman, Tennessee, for resale and service in those Cities.

Due notice has been given of the filing of the aforesaid petition and application, including publication in the FEDERAL REGISTER.

The Commission finds: Good cause exists and it is appropriate and necessary for carrying out the provisions of the Natural Gas Act, as amended, to consolidate the above-entitled proceedings for purposes of hearing and to hold public hearings as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (18 CFR Part 1):

(i) Petition of East Tennessee Natural Gas Company filed on August 17, 1950, in Docket No. G–1065 and application filed by that Company on October 20, 1950, in Docket No. G–1517, be and the same are hereby consolidated for the purposes of hearing.

(ii) A public hearing be held commencing on April 9, 1951, at 10:00 o'clock a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid petition and application of East Tennessee Natural Gas Company in Docket Nos. G–1065 and G–1517.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3932; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket Nos. G–1246, G–1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER REOPENING PROCEEDINGS FOR LIMITED PURPOSES AND FIXING DATE OF HEARING

MARCH 27, 1951.

On June 13, 1950, the Commission entered in Docket No. G–1246 its Opinion No. 195 and order, and on December 1, 1950, in Docket No. G–1477 entered its findings and order (amended by an order entered February 27, 1951), issuing to Texas Illinois Natural Gas Pipeline Company (Applicant) certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipeline facilities, for the transportation and sale of natural gas in interstate commerce, all as therein more fully described, subject to the conditions contained in the said orders.

The following interveners sought from Applicant the volumes of natural gas specified below to meet their gas requirements in the communities named:

	Mcf
Allied Gas Co. (Paxton, Rantoul, Gibson City, and Ludlow, Ill.)	588
Illinois Power Co. (Mount Vernon and Centralia, Ill.)	3,514
Monarch Gas Co. (St. Elmo and Brownstown, Ill.	500
Southeastern Illinois Gas Co. (Vandalia, Ill.)	1,800
Union Gas & Electric Co. (Bloomington and Normal, Ill.)	2,524
Total	8,926

In its opinion in Docket No. G–1246 the Commission found that the natural gas service to these communities would be in the public interest and that the volumes specified for each intervener were reasonably required to provide adequate service in the communities named. It found, however, that the record did not show with sufficient definiteness what facilities and what expenditures will be required to provide necessary pipeline connections between distribution facilities and the facilities of Applicant. And accordingly, the Commission in the opinion and order provided, as a condition to granting authority to Applicant to render the specified service, that each intervener, within six months from the date of the issuance of the opinion and order, make application for a certificate of public convenience and necessity "to the extent that authorization is required" for the construction and operation of such connecting pipeline facilities as are required to transport the volumes of natural gas to be made available, or "establish that such certificate is not required".

In the findings and order entered December 1, 1950, in Docket No. G–1477, the Commission amended the authorization granted in Docket No. G–1246 so as to authorize Applicant to deliver, under the same condition, additional volumes of natural gas to some of the same five companies, as follows:

	Docket No. G–1246	Docket No. G–1477
	Mcf	*Mcf*
Allied Gas Co.	588	711
Illinois Power Co.	3,514	3,514
Monarch Gas Co.	500	908
Southeastern Illinois Gas Co.	1,800	1,800
Union Gas & Electric Co.	2,524	3,442
Total	8,926	10,375

On December 13, 1950, an extension of time to and including April 16, 1951, in which to comply with the above referred to condition of the order of June 13, 1950, was granted pursuant to the request of Southeastern Illinois Gas Company, Union Gas and Electric Company, Illinois Power Company and Allied Gas Company.

In purported compliance with such condition, Illinois Power Company filed on December 8, 1950, a copy of the order of the Illinois Commerce Commission in Case No. 38901, entered November 28, 1950, granting to that Company a certificate of convenience and necessity for (1) construction, operation and maintenance of approximately 13½ miles of 6-inch diameter natural gas transmission pipeline referred to in said order as "gas distribution extensions" and (2) the transaction of a gas public utility business along the routes of such so-called "gas distribution extensions".

In purported compliance with the above referred to condition, the Monarch Gas Company filed on December 11, 1950, a copy of the order of the Illinois Commerce Commission in Case No. 38938, entered December 6, 1950, granting to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 2.7 miles of 6⅝-inch, and 3.4 miles of 3½-inch, diameter natural gas transmission pipeline referred to in the said order as "gas distribution extension" and (2) the transaction of gas public utility business along the route of the so-called "gas distribution extensions".

In purported compliance with the same condition, Union Gas and Electric Company on February 1, 1951, filed with the Commission a copy of an order of the Illinois Commerce Commission in Case No. 38964 entered January 3, 1951, issuing to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 177,700 feet (33.7 miles) of either 6-inch or 8-inch diameter natural gas transmission pipeline and approximately 90,000 feet (17 miles) of 2-inch diameter pipeline, referred to in the said order as a "gas distribution system extension" and (2) the transaction of a gas public utility business along the route of the so-called "gas distribution extension".

In purported compliance with the same condition, Allied Gas Company on February 8, 1951, filed a copy of an order of the Illinois Commerce Commission in Case No. 38967, entered January 3, 1951, granting to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 7½ miles of 4-inch diameter natural gas transmission pipeline referred to in the said order as a "gas distribution extension" and (2) the transaction of a gas public utility business in the area traversed by the said so-called "gas distribution extension".

The Commission by letters to Illinois Power Company under date of January 23, 1951, to Monarch Gas Company under date of January 24, 1951, to Union Gas and Electric Company under date of March 8, 1951, and Allied Gas Company under date of March 8, 1951, acknowl-

edged receipt of the above-mentioned submittals by these Companies and advised each that, in the absence of an appropriate record before it, this Commission could not accept the proffer of the orders of the Illinois Commerce Commission as establishing under the Natural Gas Act that the respective Companies do not require certificates of public convenience and necessity from this Commission. In these letters the Companies were requested to file applications for certificates of public convenience and necessity pursuant to section 7 of that Act authorizing the construction and operation of the facilities by which they propose to connect their systems with that of Texas Illinois Natural Gas Pipeline Company. The Companies were advised that in making such applications they might request, in the alternative, that this Commission find that the facilities in question are not subject to its jurisdiction.

No response has been received to the Commission's letters to Illinois Power Company and Monarch Gas Company. Counsel for Allied Gas Company and Union Gas and Electric Company on March 12, 1951, advised Commission staff representatives that these Companies do not propose to file applications for certificates for public convenience and necessity unless and until the Commission should find that such applications are required; counsel for such Companies have requested early action concerning these matters. Southeastern Illinois Gas Company to date has made no submittal in response to the above-referred to requirements of the Commission's orders entered June 13 and December 1, 1950.

Upon consideration of the foregoing and the matters of record herein, the Commission finds: Good cause exists and it is appropriate and necessary for carrying out the provisions of the Natural Gas Act, as amended, to reopen the above-entitled proceedings, consolidate the same for purposes of hearing, and to hold public hearings as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 1, 2, 7, 15, and 16 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (18 CFR Part 1), the above-entitled proceedings in Docket Nos. G–1246 and G–1477 be and the same are hereby reopened and consolidated, and a public hearing be held herein commencing on April 18, 1951, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the following matters and issues:

(i) Whether paragraph (A) (ii) of the Commission's order dated June 13, 1950, in Docket No. G–1246 or paragraph (C) of the Commission's order dated December 1, 1950, in Docket No. G–1477 should, in whole or in part, be amended so far as the said orders authorize and direct Texas Illinois Natural Gas Pipeline Company to transport and sell natural gas to Allied Gas Company (Paxton Division), Illinois Power Company, Monarch Gas Company, Southeastern Illinois Gas Company, and Union Gas and Electric Company (hereinafter referred to as the "Five Utility Customer Companies").

(ii) Description, location, and cost of facilities to be utilized and necessary for each of the Five Utility Customer Companies to provide necessary natural gas transmission pipeline connections between their existing gas facilities and the interstate natural gas transmission pipeline facilities of Texas Illinois Natural Gas Pipeline Company, for the receipt, transmission and distribution of natural gas to be purchased by each of the said Companies from Texas Illinois, including description, location, and estimated cost of new facilities, if any, to be constructed for such receipt, transportation, and distribution of such natural gas.

(iii) Whether any of the Five Utility Customer Companies in question will be engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and therefore be a "natural-gas company" within the meaning of the Natural Gas Act, as amended, by reason of the receipt of natural gas from Texas Illinois Natural Gas Pipeline Company under the Commission's aforesaid orders of June 13 and December 1, 1950; and, if so, what facilities, if any, are proposed by each of the said Five Utility Customer Companies to be utilized in such transportation or sale of natural gas subject to the jurisdiction of this Commission under that act.

(iv) Any other matters pertinent to Commission determination of the issues presented in these reopened proceedings.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3931; Filed, Apr. 2, 1951; 8:45 a. m.]

[Docket Nos. G–1540, G–1592, G–1593]

TRANSCONTINENTAL PIPE LINE CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 29, 1951.

In the matters of Transcontintal Gas Pipe Line Corporation, Docket No. G–1540; Michigan-Wisconsin Pipe Line Company, Docket No. G–1592; Texas Gas Transmission Corporation, Docket No. G–1593.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its findings and orders entered March 27, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3953; Filed, Apr. 2, 1951; 8:50 a. m.]

[Docket No. G–1587]

DELAWARE POWER & LIGHT CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 12, 1951, Delaware Power & Light Company (Applicant), a Delaware corporation having its principal place of business at Wilmington, Delaware, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain natural-gas transportation facilities and the service rendered thereby, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 26, 1951 (16 F. R. 739).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on April 20, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3935; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G–1588]

PHILADELPHIA ELECTRIC CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 12, 1951, Philadelphia Electric Company (Applicant), a Penn-

sylvania corporation having its principal place of business at Philadelphia, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 26, 1951 (16 F. R. 739).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on April 20, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3934; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G-1598]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 29, 1951, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and subject to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 9, 1951 (16 F. R. 1257).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 24, 1951, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3933; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G-1641]

MISSISSIPPI RIVER FUEL CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULE AND PROVIDING FOR HEARING

MARCH 27, 1951.

On February 28, 1951, Mississippi River Fuel Corporation (Mississippi River) filed with this Commission proposed First Revised Sheet No. 4 and First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1, pursuant to Part 154 of the Commission's general rules and regulations, setting forth therein its proposed Rate Schedules F-1 and I-1, respectively, to take effect as of April 1, 1951.

The proposed rate schedule F-1 set out in proposed First Revised Sheet No. 4 would increase the presently effective rates and charges to Mississippi River's eight interstate wholesale customers served under said schedule.

The proposed rate schedule I-1 set out in proposed First Revised Sheet No. 6 would increase the presently effective rates and charges for natural gas sold by Mississippi River for resale for industrial use only.

Copies of the proposed rate schedules, together with copies of material submitted by Mississippi River to this Commission pursuant to § 154.63 of the Commission's general rules and regulations (18 CFR 154.63), were transmitted by Mississippi River to the eight interstate wholesale customers served by it.

It appears from the proposed filings that, on the basis of sales for the twelve months following the proposed effective date April 1, 1951, the proposed changes in rates will result in increased charges by Mississippi River to its eight interstate wholesale customers of $3,093,757, averaging 6.4 cents per Mcf, as shown in the following table:

Name of purchaser	Mcf	Revenues		Increase
		Present	Proposed	
Arkansas-Louisiana Gas Co	1,375,700	$352,791	$451,831	$99,040
Fort Smith Gas Corp	76,500	30,393	40,610	10,217
Illinois Power Co	4,633,900	1,176,077	1,508,844	332,767
Laclede Gas Co	34,630,600	8,130,284	10,339,563	2,209,279
Mid South Gas Co	3,501,500	821,384	1,033,897	212,513
Missouri Natural Gas Co	2,641,800	603,802	755,281	151,479
Public Utilities Co	145,400	41,849	54,442	12,593
Union Electric Power Co	980,200	237,746	303,615	65,869
Total	47,985,600	11,394,326	14,488,083	3,093,757

In support of the proposed increase, Mississippi River states that the present interstate rates were established on the basis of 1943 operations. It alleges that its costs have increased materially since that time, and that the proposed increased charges are necessary to compensate for the increasing costs.

To justify the proposed increases in rates and charges, Mississippi River has submitted a statement for the year ended December 31, 1950, which purports to show the cost of service for the entire system and also the cost allocated to the service covered by the proposed rates, including 6 percent return. Upon the basis of such cost study, Mississippi River estimates that a revenue deficiency of $3,829,513 for the 12 months ended December 31, 1950, is attributable to the interstate business, although such cost study shows an over-all excess in revenue over costs including a 6 percent rate of return of $1,996,106 for the same period.

Requests for suspension and hearing on the proposal of Mississippi River have been filed with the Commission by the State regulatory commissions of the States of Arkansas, Missouri and Illinois, by the City of St. Louis, Missouri, and by Laclede Gas Company, Union Electric Power Company, MidSouth Gas Company, and Public Utilities Company of Crossett, Arkansas.

The rates, charges, and classifications set forth in First Revised Sheet No. 4 and First Revised Sheet No. 6 to Mississippi River's FPC Gas Tariff, Original Volume No. 1, comprising the proposed new Rate

Schedules F–1 and I–1, respectively, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, and classifications set forth in Mississippi River Fuel Corporation's First Revised Sheet No. 4 and First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1, and that said Revised Sheet No. 4 be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held commencing on May 14, 1951, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in First Revised Sheet No. 4 and First Revised Sheet No. 6 to FPC Gas Tariff, Original Volume No. 1 filed by Mississippi River Fuel Corporation.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 4 filed by Mississippi River Fuel Corporation on February 28, 1951, be and it hereby is suspended and the use thereof is deferred until September 1, 1951, and until such further time thereafter as such First Revised Sheet No. 4 may be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3930; Filed, Apr. 2, 1951; 8:45 a. m.]

[Project No. 2069]

ARIZONA POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 28, 1951.

Public notice is hereby given that The Arizona Power Company of Prescott, Arizona, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed major Project No. 2069, located on Fossil Creek, a tributary of Verde River in Yavapai and Gila Counties, Arizona, affecting lands of the United States within the Coconino and Tonto National Forests. The project consists of: (1) The Irving Development comprising a dam, a conduit, a surge tank, a powerhouse containing a 2,100-horsepower turbine connected to a 1,600-kilowatt generator, a tailrace, a step-up substation, and a 69-kilovolt transmission line; and (2) the Childs Development comprising a dam, a forebay, a conduit, a regulating reservoir, a pressure tunnel, a concrete pipe, a concrete surge tank, a penstock, a powerhouse containing three 3,000-horsepower waterwheels each connected to an 1,800-kilowatt generator, a tailrace a step-up substation, and two 69-kilovolt transmission lines.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before May 3, 1951, to the Federal Power Commission.

[SEAL] LEON M. FAQUAY, *Secretary.*

[F. R. Doc 51–3952; Filed, Apr. 2, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, paragraph b 5, 15 F. R. 1313 dated March 10, 1950, is amended to read as follows:

5. To accept, on behalf of the Commissioner, service of process properly issued pursuant to attachment or garnishment proceedings served upon them by a court of competent jurisdiction with respect to any debtor-employee of the Public Housing Administration employed in their respective field offices, to appear and testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice, and to execute all necessary and proper documents in connection therewith.

Date approved: March 26, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51–3936; Filed, Apr. 2, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25952]

GRAIN FROM TWIN CITIES AND KANSAS CITY, MO., AREA TO ILLINOIS, IOWA, MISSOURI AND ADJACENT POINTS

APPLICATION FOR RELIEF

MARCH 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Burlington & Quincy Railroad Company and other carriers named in the application.

Commodities involved: Grain, grain products, and seeds, carloads.

From: Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn., Kansas City, Mo.-Kans., St. Joseph, Mo., and Leavenworth, Kans.

To: Points in Illinois, Iowa, Missouri and certain adjacent points.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3866, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3943; Filed, Apr. 2, 1951; 8:48 a. m.]

[4th Sec. Application 25953]

PULPBOARD FROM GEORGETOWN, S. C., TO MASSACHUSETTS

APPLICATION FOR RELIEF

MARCH 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Georgetown, S. C.

To: Natick, New Bedford, Newton Upper Falls and North Somerville, Mass.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3944; Filed, Apr. 2, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2575]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it of all of the electric plant in service and franchises of Oswegatchie Light and Power Company ("Oswegatchie"), a non-affiliate, for the cash sum of $515,000, plus adjustments from August 31, 1950, to the closing date; and the Public Service Commission of the State of New York having, by order dated February 27, 1951, approved the transfer of such property by Oswegatchie to Niagara Mohawk; and

Said application having been filed on February 21, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3937; Filed, Apr. 2, 1951; 8:47 a. m.]

[File No. 812-721]

BLUE RIDGE CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of March A. D. 1951.

Notice is hereby given that Blue Ridge Corporation ("Applicant"), a registered investment company, has filed an application pursuant to sections 6 (c) and 23 (c) (3) of the Investment Company Act of 1940 for an order of the Commission permitting Applicant to purchase for an aggregate price of $268,000 from Atlas Corporation ("Atlas") 67,000 shares of common stock of Applicant and a warrant issued and dated May 18, 1937, entitling Atlas Corporation to purchase from Applicant 228,301 shares of common stock of Applicant at $20 per share.[1]

Applicant is a closed-end, diversified, management investment company. It was organized under the laws of the State of Delaware and has its principal place of business at 60 Broadway, in the City of New York.

Applicant has outstanding 7,489,483 shares of common stock. Carl J. Austrian and Robert G. Butcher, as Trustees of Central States Electric Corporation ("Central States"), own 4,900,788 shares or approximately 65.43 percent of Applicant's outstanding stock. Central States is now in process of reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the Eastern District of Virginia. The said Trustees have proposed a plan of reorganization of Central States which contemplates the transfer to a new Delaware corporation of the cash and securities of Central States held by the Trustees, followed by the merger of Applicant into such new corporation. The new corporation is to be an open-end investment company, the shares of which will be redeemable at the holder's option, subject to certain restrictions on redemption during an initial period after the effective date of consummation of the plan. The plan has been approved and confirmed by the reorganization court. The order of approval of the plan was affirmed by the United States Court of Appeals for the Fourth Circuit and a petition for a writ of certiorari was denied by the United States Supreme Court. An appeal from the order of confirmation was recently dismissed by the aforesaid Court of Appeals. It is expected that the plan of reorganization will be consummated in the reasonably near future.

Atlas, a registered investment company incorporated in Delaware and having an office at 33 Pine Street in the City of New York, is the owner of 67,000 shares of Applicant and a warrant issued by Applicant on May 18, 1937, entitling Atlas to purchase 228,301 shares of Applicant at $20 per share. The warrant is unlimited as to time and is divisible and transferable. Provision is also made in the warrant for the continuation of the contract rights of the holder upon any merger of Applicant with any other corporation. Atlas, as a minority public holder of Applicant, would be entitled under the plan to receive stock of the new corporation on the basis of relative net asset values as of the effective date of the merger and pursuant to the terms of the said warrant to receive a new warrant from the new corporation to purchase a proportionate amount of its stock at a comparable price.

Applicant asserts that although its sole outstanding warrant is now valueless and will continue to be so under any reasonably foreseeable future conditions, it would be desirable to acquire the warrant on reasonable terms for the following reasons: The speculative nature of the warrant; the necessity for preserving the warrant on the proposed merger; the mechanical difficulties involved in setting forth the terms of the warrant in connection with any registration and sale of stock of the new corporation under applicable Federal and State statutes; the divisibility of the warrant, and the possibility of its being subdivided and publicly distributed.

Applicant accordingly entered into a memorandum of agreement on March 14, 1951, with Atlas for the acquisition of its holdings of 67,000 shares of Applicant and of the warrant for an aggregate price of $268,000, subject to an exemptive order of the Commission under section 23 (c) (3) of the act. Under said agreement, David G. Baird would be paid by Applicant a commission of $3,350, which is equal to one-half the normal commission payable on a sale of such shares on the New York Curb Exchange, on which Exchange Applicant's shares are listed.

The application states that if the warrant held by Atlas, which is the only outstanding warrant, be considered worthless, the purchase price to be paid by Applicant for the 67,000 shares is $4 per share. The closing and only market price for shares of Applicant sold on March 14, 1951, was $4 per share. The market range from January 2, 1951, through March 14, 1951, has been 3¾ low and 4¼ high. At the close of business on March 14, 1951, the asset value per share was $4.08.

Applicant further asserts that at least 90 per cent of its net income for the last fiscal year, not including profits or losses realized from the sale of securities or other properties, was distributed to its stockholders during that year; neither Atlas nor Baird is to its knowledge an affiliated person of Applicant; the purchase was made at a price not above the market value or the asset value, whichever is lower, at the time of purchase; disclosure was made of the approximate

[1] Rule N-23C-1, which was promulgated pursuant to section 23 (c) (3) of the act, permits a registered closed-end investment company to purchase its outstanding securities, provided certain conditions with respect to the securities are met. Among other things, the rule, in effect, prohibits the purchase of a stock unless the issuer has within the preceding six months informed stockholders of its intention to purchase stock of such class by letter or report to all stockholders of such class. Subdivision (c) of the rule provides that a company may file an application with the Commission for an order under section 23 (c) (3) of the act permitting the purchase of any security of which it is the issuer which does not meet the conditions of the rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the act. Since Applicant has not given its stockholders the required six months' notice of its intention to purchase its stock, the instant application was filed for an exemptive order from this requirement of Rule N-23C-1. The application indicates that Applicant has complied with the other requirements of the rule.

or estimated asset coverage of the stock at the time of purchase; no brokerage commission was paid by Applicant to any affiliated person; the purchase was not made in a manner or on a basis which discriminates unfairly against any holder of the class of securities purchased.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after April 16, 1951, unless prior thereto a hearing upon the application is ordered by this Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than April 12, 1951, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3940; Filed, Apr. 2, 1951; 8:48 a. m.]

[File No. 70-2579]

NORTHERN STATES POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

Northern States Power Company ("Northern States"), a Minnesota corporation, having filed with this Commission a declaration and amendment thereto under sections 6 (a) and 12 (e) of the Public Utility Holding Company Act of 1935 and Rules U-62 and U-65 thereunder;

All interested persons are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Northern States proposes that its Articles of Incorporation be amended:

(a) To change the shares of Preferred Stock from shares without par value to shares having a par value of $100 each; to decrease the authorized number of shares of Preferred Stock from 3,175,000 to 1,000,000; to fix the liquidation price of the Preferred Stock in involuntary liquidation at $100 per share, plus an amount equal to dividends accumulated and unpaid thereon; and to eliminate paragraphs 3 and 16 of Article V; and

(b) To change the shares of Common Stock from shares without par value to shares having a par value of $5 each; and to increase the authorized number of shares of Common Stock from 12,500,000 to 15,000,000;

The declaration stating that the excess of the present stated values of the stocks of the company over the proposed par value will be transferred to Premium on Capital Stocks, increasing that account from $292,025 to $10,276,747;

The declaration further stating that the adoption of the proposed amendments requires the affirmative vote of the holders of a majority of the voting power of all shareholders, preferred and common, assuming the absence of the negative vote of the holders of one-fourth of such voting power, otherwise the affirmative vote of two-thirds of the voting power; that to obtain the required vote, Northern States proposes to submit the proposals to its shareholders at the annual meeting scheduled to be held on May 2, 1951, and to solicit proxies by means of a letter and statement in the form filed as part of the declaration; that expenses in connection with the proposed amendments are estimated by Northern States as $14,000; and that if it later appears necessary to employ an expert in the solicitation of proxies together with special employees, Northern States will file an amendment to its declaration;

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and further deeming it appropriate to grant the request of declarant that the order herein become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3939; Filed, Apr. 2, 1951; 8:47 a. m.]

DENVER BROKERAGE CO. ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

In the matter of Denver Brokerage Company, 1721 Stout Street, Denver, Colorado; Malcolm L. Eno, 1510 S. Cascade Avenue, Colorado Springs, Colorado; Stanley H. Ingalls, Apartment 306, Haines Studio, Rapid City, South Dakota; Henry M. Marks, National State Bank Building, Boulder, Colorado; Ross-Wood Company, 90 State Street, Albany, New York; M. C. Rutherford & Company, 926 Exchange Street, Rochester, New York; Arthur Stewart, 504 Symes Bldg., Denver, Colorado; J. E. St. Clair Company, 70 Pine Street, New York, New York.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued on November 15, 27 and 28, 1950, and amended on January 15, 1951, as to the hearing date which was postponed in all cases until February 15, 1951. On November 16 and 28, 1950, copies of the notices and orders were sent by registered mail to the addresses last furnished us by the registrants; and on January 16, 1951, we forwarded by registered mail copies of the amended orders. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given. None of the registrants appeared in person or through a representative on February 15, 1951, the date set for the hearings.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our orders and notices, as amended, instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to February 15, 1951, the date of hearing. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of November 22 and December 2, 1950. 15 F. R. 7997, 7998, 8553-56; and the amendments were published in the FEDERAL REGISTER of January 20, 1951, 16 F. R. 558-9.

or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly, it is ordered, That the registrations of Roy O. Adams and Emily P. Adams, doing business as Denver Brokerage Company, a partnership, Malcolm L. Eno, Stanley H. Ingalls, Henry M. Marks, Thomas E. Wood, doing business as Ross-Wood Company, Martin C. Rutherford, Jr., doing business as M. C. Rutherford & Company, Arthur Stewart and James Edward St. Clair, doing business as J. E. St. Clair Company, be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3938; Filed, Apr. 2, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 906]

CARLO DEL FRATE AND SUSANNA SEGRE VASSALLO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Carlo Del Frate and Susanna Segre Vassalo, Rome, Italy; Claim No. 45447, December 7, 1950 (15 F. R. 8707); $567.64 in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of Carlo Del Frate and Susanna Segre (born Del Frate) in and to the trust estate created under the Will of Sarah Ramsey Del Frate, deceased.

The following securities, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, one-half thereof to each claimant: United States Treasury Bonds of 1951/53 due December 15, 1953, with interest at 2½% payable June 15 and December 15, Nos. 17389K and 17390L for $1,000 each. United States Treasury Bond of 1952/54 due March 15, 1954, with interest at 2½% payable March 15 and September 15, No. 5887H for $500. United States Treasury Bonds of 1967/72 due December 15, 1972, with interest at 2½% payable June 15 and December 15, Nos. 312393C and 312394D for $1,000 each. The Cleveland Electric Illuminating Company First Mortgage Bonds, 3% Series due July 1, 1970, interest payable January 1 and July 1, Nos. M-29396 and M-29397 for $1,000 each. Southern California Edison Company, Ltd., First and Refunding Mortgage Bond, Series of 3's, due September 1, 1965, interest payable March 1 and September 1, No. M-20496 for $1,000.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3963; Filed, Apr. 2, 1951; 8:52 a. m.]

[Return Order 918]

EDOARDO SCARPELLINI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Edoardo Scarpellini, a/k/a Odoardo Scarpellini; Francesco Scarpellini, Both of Norcia, Italy; Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli, Luca Graziosi, all four of San Pellegrino Perugia, Italy; Claim No. 29616; February 16, 1951 (16 F. R. 1661); $456.96 in the Treasury of the United States, one-third to Edoardo Scarpellini, one-third to Francesco Scarpellini and one-twelfth each to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi. To Edoardo Scarpellini all right, title and interest of Edoardo Scarpellini; to Francesco Scarpellini all right, title and interest of Francesco Scarpellini; and to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi, in equal shares, all right, title and interest of Giulia Graziosi, in and to the Estate of Cesare Scalpellini, also known as Cesare Scarpellini, deceased, Ottavio Diotallevi, Box 176, Brewster, Ohio, Administrator.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3965; Filed, Apr. 2, 1951; 8:52 a. m.]

SOCIETE DES PROCEDES SERGE BEAUNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe des Procedes Serge Beaune, Creteil (Seine) France; Claim No. 41695; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,143,617; 2,246,872 and 2,043,604.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3966; Filed, Apr. 2, 1951; 8:54 a. m.]

SOCIETE AME "L'ATOMIC"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Ame "L'Atomic", Paris, France; Claim No. 26797; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 147,610 (now United States Letters Patent No. 2,361,758). All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme L'Atomic by virtue of an agreement dated April 11, 1941 (including all modifications

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.
[4] Ibid.

thereof and amendments thereto, if any) by and between Societe Anonyme L'Atomic and Imperial Chemical Industries, Ltd., which relates among other things, to patent number 2,276,761, issued March 17, 1942, inventor W. Carey, for Apparatus for the Classification of Material, to the extent owned by Societe Anonyme L'Atomic immediately prior to the vesting thereof by Vesting Order No. 1633 (8 F. R. 12361) September 7, 1943), as amended (9 F. R. 8269, July 21, 1944.)

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3967; Filed, Apr. 2, 1951; 8:54 a. m.]

TELEFON FABRIK AUTOMATIC AKTIESELSKAB

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Telefon Fabrik Automatic Aktieselskab, Copenhagen, Denmark; Claim Nos. 10828 and 11040; Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,135,015; 2,146,228 and 2,253,136.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3968; Filed, Apr. 2, 1951; 8:54 a. m.]

[Return Order 914]

CARL GEHRMANS MUSIKFORLAG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Carl Gehrmans Musikforlag, Stockholm, Sweden; December 23, 1950 (15 F. R. 9270); property to the extent owned by claimant immediately prior to the vesting thereof, by Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office from Alfred Thorsings Musikforlag to the Society of European Stage Authors and Composers dated November 5, 1936 and December 2, 1938 (specified in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $438.57.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3964; Filed, Apr. 2, 1951; 8:52 a. m.]

MARIE PFEFFERKORN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Pfefferkorn, Alfons a/k/a Alfonso Pfefferkorn, Jakob Pfefferkorn, Vorarlberg, Austria; Claim No. 42163; $14,402.51 in the Treasury of the United States, 1/3 to each claimant. All right, title and interest of claimants, and each of them, in and to the Estate of Thomas Pfefferkron, a/k/a Anthony Thomas Pfefferkron, a/k/a Thomas Anthony Korn, a/k/a Anthony Thomas Fuetscher, a/k/a Anthony Korn, a/k/a Thomas A. Korn, a/k/a Rev. Anthony Korn, a/k/a Rev. Thomas Fuetscher, deceased; estate administered by Potter Title and Trust Company, Pittsburgh, Pennsylvania, under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3969; Filed, Apr. 2, 1951; 8:54 a. m.]

HEDVIG E. S. MADDAUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hedvig E. S. Maddaus, Valatia, N. Y.; Claim No. 31416; $137.17 in the Treasury of the United States.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3970; Filed, Apr. 2, 1951; 8:54 a. m.]

[Vesting Order 17541]

OHASHI HIDE

In re: Claims of Ohashi Hide. F-39-6849-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ohashi Hide, whose last known address is 80-2 Arata-Cho Chome, Hyogo-Ku, Kobe, Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Any and all rights and claims to benefits under the United States Civil Service Retirement Act, as amended, approved May 22, 1920 (Pub. Law 215; 66 Cong. 2nd Sess., 41 Stat. 614) due or to become due to Ohashi Hide, named beneficiary of Carey J. Scott, deceased, (CSF-188 796-Z), including particularly but not limited to a lump sum settlement in the amount of $484.84 as of December 5, 1950, together with any and all rights to demand, enforce and collect said claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3959; Filed, Apr. 2, 1951; 8:51 a. m.]